

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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In the Matter of: Dennis C. Hammel,

Plaintiff,

ORDER

08-cv-330-slc  
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Dennis C. Hammel has paid \$350 to the court and filed a document titled “To whom this concerns: Request for Federal Protection Order and Investigation.” In this document, he appears to be asking that this court investigate the actions or “hate crimes” of certain members of his family relating to his administration of his deceased mother’s estate.

Federal courts are courts of limited jurisdiction, with the power to hear only certain kinds of cases. Generally, federal courts address claims involving questions of federal law (including constitutional law) and disputes between citizens of different states when the amount of money at stake is more than \$75,000. 28 U.S.C. §§ 1331, 1332. This is not a case raising a question of federal law, and it appears from the documents attached to plaintiff’s “request” that the value of his mother’s estate is \$50,000 or less. Therefore, there is no basis for jurisdiction over his action under §§ 1331 or 1332.

Moreover, federal courts do not have the authority to order law enforcement officials

to conduct investigations into potential criminal misconduct or to order federal law enforcement officials to protect him from potential criminal misconduct. “Whether to prosecute and what charge to file or bring before a grand jury are decisions that generally rest in the prosecutor’s discretion.” United States v. Batchelder, 442 U.S. 114, 124 (1979). “In both civil and criminal cases, courts have long acknowledged that the Attorney General’s authority to control the course of the federal government’s litigation is presumptively immune from judicial review. Shoshone-Bannock Tribes v. Reno, 56 F.3d 1476, 1480 (D.C. Cir. 1995). Consequently federal courts have held that they lack jurisdiction to issue writs compelling United States Attorneys to bring actions. Id. at 1484 (district court properly dismissed action brought by tribe to compel United States Attorney General to bring charges enforcing tribe’s water rights); Inmates of Attica Correctional Facility v. Rockefeller, 477 F.2d 375 (2d Cir. 1973)(district court properly dismissed petition for writ of mandamus to compel United States Attorney for the Western District of New York to initiate criminal proceedings against prison officials for violations of inmates’ rights during prison uprising). Because there is no basis for granting plaintiff’s “request for federal protection order and investigation,” the request will be denied and this case will be closed.

#### ORDER

IT IS ORDERED that plaintiff’s “Request for Federal Protection Order and

Investigation” is DENIED. The clerk of court is requested to close this case.

Entered this 10<sup>th</sup> day of June, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge