

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

GLENDALE STEWART,

Plaintiff,

v.

ERIK K. SHINSEKI,
Secretary, Department of Veterans Affairs,
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
and AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,

Defendants.

GLENDALE STEWART,

Plaintiff,

v.

RICHARD F. RICE AND FOX, FOX S.C., CAPITAL NEWSPAPERS, INC.,
CAPITAL TIMES NEWSPAPERS, FOLEY & LARDNER,
DEPARTMENT OF WORKFORCE DEVELOPMENT, AEROTEK,
SYNERGY WEB GRAPHICS, INC, CROCKETT TECHNOLOGIES,
PRO-ACTIVE ENGINEERING, INC., SARIS CYCLING GROUP,
TRANSPORTATION SECURITY ADMINISTRATION,
SARA LEE BAKERY, A.M. MAILING SERVICES, LLC,
HARLAN SPRAGUE DAWLEY, INC., UNITED VACCINES, INC,
THERMAL SPRAY TECHNOLOGIES, INC., SCIENTIFIC LABORATORIES, INC.,
WALGREEN'S DISTRIBUTION CENTER, UW HOSPITAL AND CLINICS,
FRANKLIN FUELING, HOME HEALTH UNITED, HOSPICE CARE, INC,
TOWN AND COUNTRY ELECTRIC, FOUR LAKES LABEL,
KELLY SERVICES, STEVE BROWN APARTMENTS and
MADISON AREA TECHNICAL COLLEGE,

Defendants.

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Plaintiff Glendale Stewart has filed two identical motions for reconsideration in these cases that I dismissed in orders dated July 19, 2012. In both cases, plaintiff sued various defendants for various reasons, but I concluded that plaintiff could not proceed on any of his claims because the court did not have jurisdiction over them, they were barred because they arose out of the same facts as cases that plaintiff brought before or they failed to state a claim upon which relief may be granted.

In his motion for reconsideration, plaintiff says he would like to bring claims for conspiracy under 18 U.S.C. §§ 241 and 242. However, these are criminal statutes that cannot be enforced by private parties. Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973). ("a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another."). Whether or not a person should be prosecuted under federal law is within the sole discretion of the executive branch. United States v. Batchelder, 442 U.S. 114, 124 (1979) ("Whether to prosecute and what charge to file or bring before a grand jury are decisions that generally rest in the prosecutor's discretion.").

In any event, plaintiff has included no facts in his complaint showing that any of the defendants violated these statutes. Although plaintiff says that defendants "conspired" against him, conspiracy is not a violation of his civil rights in and of itself. Without a violation of an underlying substantive right, there is no violation of § 241 or § 242 either.

ORDER

IT IS ORDERED that plaintiff Glendale Stewart's motions for reconsideration in case no. 12-cv-337-bbc, dkt. #12, and case no. 12-cv-339-bbc, dkt. #11, are DENIED.

Entered this 20th day of August, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge