

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 04-5088**

**September Term, 2004**

**04cv00073**

**Filed On: January 27, 2005** [872959]

James R. Schultz,  
Appellant

v.

Department of Justice, Criminal Division, et al.,  
Appellees

## **APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

**BEFORE:** Ginsburg, Chief Judge, and Sentelle and Rogers,  
Circuit Judges

### **J U D G M E N T**

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief and the supplemental appendix filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

**ORDERED AND ADJUDGED** that the district court's orders filed January 15 and February 2, 2004 be affirmed, given the discretionary nature of the Executive Branch's investigatory and prosecutorial decisions. See, e.g., United States v. Nixon, 418 U.S. 683, 693 (1974); Community for Creative Non-Violence v. Pierce, 786 F.2d 1199, 1201 (D.C. Cir. 1986).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**