

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-5075

September Term 2010

1:11-cv-00576-UNA

Filed On: July 18, 2011

Patrick S. McPherron,

Appellant

v.

Mark J. Kappelhoff, DOJ,

Appellee

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Sentelle, Chief Judge, and Rogers and Griffith, 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 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 March 21, 2011, decision be affirmed. The district court correctly held that the decision whether to prosecute is within the Attorney General's discretion, and the courts lack authority to compel the Attorney General to prosecute a particular case. See United States v. Nixon, 418 U.S. 683, 693 (1974); Powell v. Katzenbach, 359 F.2d 234, 234-35 (D.C. Cir. 1965).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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