

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRUCE A. QUARLES : CIVIL ACTION  
 :  
 v. :  
 :  
 JAMES A. LINEBERGER : NO. 01-962

**ORDER – MEMORANDUM**

AND NOW, this 27<sup>th</sup> day of March, 2002, plaintiff Bruce A. Quarles’s “Motion Asking Court to Consider Requesting U.S. Attorney Bring Charges of Obstruction of Justice Against Non-Parties” is denied.

A violation of the statutes identified by plaintiff<sup>1</sup> is not supported by probable cause or substantial evidence. Moreover, it is not clear that a court should involve itself in a request to initiate a prosecution. See United States v. Armstrong, 517 U.S. 456, 464, 116 S.Ct. 1480, 1486, 134 L.Ed.2d 687 (1996) (decisions whether to prosecute are “a ‘special province’ of the Executive . . . . and United States Attorneys retain ‘broad discretion’ to enforce the Nation’s criminal laws.”) (citations omitted); Morrison v. Olson, 487 U.S. 654, 680-82, 108 S.Ct. 2597, 2613-14, 101 L.Ed.2d 569 (1988) (given the broad prohibition upon the courts’ exercise of “executive or administrative duties of a nonjudicial nature” courts can perform certain “passive” or “ministerial” functions, but power to perform “administrative” functions is “more doubtful”) (quoting Buckley v. Valeo, 424 U.S. 1, 123, 96 S.Ct. 612, 684, 46 L.Ed.2d 659 (1976)).

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Edmund V. Ludwig, J.

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<sup>1</sup>Plaintiff cites 18 U.S.C. §§ 371, 1501, 1505, 1509.