

*207 329 F.Supp. 207

Jurat.

United States District Court, W.D.
Pennsylvania.

[See headnote text below]

Joseph BROWN, Plaintiff,
v.
Robert DUGGAN et al., Defendants.

[2] Criminal Law ⇨211(4)

Misc. No. 5239.
July 15, 1971.

110 ----
110XII Pretrial Proceedings
110k208 Preliminary Complaint or Affidavit
110k211 Requisites and Sufficiency
110k211(4) Charging Particular Offenses.

Prison inmate filed documents which were captioned as a criminal complaint and as a petition to proceed in forma pauperis. The District Court, McCune, J., held that document under which complainant asked for relief in form of arrest of his former defense attorney did not comply with federal rules relating to requirements of a valid prearrest complaint where document did not state the essential facts constituting the offense charged and although sworn to, the oath was administered by a notary public rather than an officer empowered to commit persons charged with offenses against United States.

Document under which complainant asked for relief in form of arrest of his former defense attorney did not comply with federal rules relating to requirements of a valid prearrest complaint where document did not state the essential facts constituting the offense charged and although sworn to, the oath was administered by a notary public rather than an officer empowered to commit persons charged with offenses against United States. 18 U.S.C.A. §§ 241, 242; Fed.Rules Crim.Proc. rules 3, 4, 18 U.S.C.A.

Petition to proceed in forma pauperis denied, and complaint dismissed.

[3] Criminal Law ⇨211(1)

West Headnotes

110 ----
110XII Pretrial Proceedings
110k208 Preliminary Complaint or Affidavit
110k211 Requisites and Sufficiency
110k211(1) In General.

[1] Conspiracy ⇨7.5(1)

[See headnote text below]

91 ----
91I Civil Liability
91I(A) Acts Constituting Conspiracy and Liability Therefor
91k7.5 Conspiracy to Interfere with Civil Rights
91k7.5(1) In General.

[3] Criminal Law ⇨217

110 ----
110XII Pretrial Proceedings
110k215 Preliminary Warrant or Other Process
110k217 Issuance.

(Formerly 91k7.5, 78k13)

Statutes providing for criminal penalties because of conspiracy against right of citizens and deprivation of rights under color of law do not allow a civil recovery. 18 U.S.C.A. §§ 241, 242.

Requirements of federal rules relating to a valid prearrest complaint and the circumstances under which a warrant or summons shall issue must be strictly complied with. Fed.Rules Crim.Proc. rules 3, 4, 18 U.S.C.A.; U.S.C.A.Const. Amend. 4.

[2] Criminal Law ⇨211(2)

[4] Criminal Law ⇨217

110 ----
110XII Pretrial Proceedings
110k208 Preliminary Complaint or Affidavit
110k211 Requisites and Sufficiency
110k211(2) Verification, Signature, and

110 ----
110XII Pretrial Proceedings
110k215 Preliminary Warrant or Other Process

EXhibit-A