

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-1057**September Term, 2017****DOJ 12/19/16 Letter****Filed On:** September 8, 2017

Shellielle S. Youhoing-Nanan, et al.,

Petitioners

v.

United States Department of Justice,

Respondent

BEFORE: Kavanaugh and Pillard, Circuit Judges, and Ginsburg, Senior
Circuit Judge

ORDER

Upon consideration of the motion for leave to proceed in forma pauperis, the motion to hold that motion in abeyance, and the response thereto; the motion to amend the petition for review; and the motion to dismiss and the response thereto, it is

ORDERED that the motion to hold in abeyance be denied, and the motion for leave to proceed in forma pauperis be granted. It is

FURTHER ORDERED that the motion to dismiss be granted. Petitioners have not demonstrated a basis for this court to exercise jurisdiction over their claims. “Only when a direct-review statute specifically gives the court of appeals subject-matter jurisdiction to directly review agency action’ may a party seek initial review in an appellate court,” rather than seeking relief first from a district court. Micei Intern. v. Dep’t of Commerce, 613 F.3d 1147, 1151 (D.C. Cir. 2010) (quoting Watts v. SEC, 482 F.3d 501, 505 (D.C. Cir. 2007)). Petitioners have identified no such direct-review statute in this case. Because decisions by federal agencies to investigate and prosecute complaints are committed to agency discretion, those decisions are presumptively unreviewable by the judicial branch. See Heckler v. Cheney, 470 U.S. 821, 831 (1985); 5 U.S.C. § 701(a)(2). For this reason, contrary to petitioners’ suggestion, transfer of this case would not be “in the interest of justice.” 28 U.S.C. § 1631. It is

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FURTHER ORDERED that the motion to amend the petition for review be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Robert J. Cavello
Deputy Clerk