

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5110**September Term, 2019****1:20-cv-00832-UNA****Filed On: July 8, 2020**

Vitaly E. Pilkin,

Appellant

v.

United States Department of Justice and
William P. Barr, in his Official Capacity as
Attorney General of the United States,

Appellees

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

BEFORE: Henderson and Griffith, Circuit Judges; Sentelle, Senior Circuit
Judge

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 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 order filed April 14, 2020, be affirmed. The district court correctly concluded that decisions of the Attorney General of whether to investigate claims for possible criminal or civil prosecution are presumptively immune from judicial review. See Shoshone-Bannock Tribes v. Reno, 56 F.3d 1476, 1480 (D.C. Cir. 1995) ("In both civil and criminal cases, courts have long acknowledged that the Attorney General's authority to control the course of the federal government's litigation is presumptively immune from judicial review."). Contrary to appellant's arguments, the Federal Tort Claims Act, 28 U.S.C. § 1346(b)(1), does not rebut that presumption.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk