

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Sivak v. Brailsford

Sivak · No. 1:26-cv-00129-BLW · Decided March 11, 2026

SUMMARY

The United States District Court for the District of Idaho dismissed Lacey Sivak’s prisoner-filed complaint seeking to bring criminal charges against a federal judge. The court held that a private citizen cannot initiate a federal criminal prosecution and determined that the claims were legally frivolous and malicious under 28 U.S.C. § 1915A(b). The case was dismissed with prejudice and without leave to amend because amendment would be futile.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	B. Lynn Winmill
JURISDICTION	United States District Court for the District of Idaho
DECIDED	March 11, 2026
DOCKET	1:26-cv-00129-BLW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Initial screening of an inmate's conditionally filed complaint under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. For failure to state a claim, the court applies the Rule 8 plausibility standard and accepts factual allegations as true.
PRECEDENTIAL VALUE	unpublished district court screening order; nonprecedential

TOPICS

- prisoners rights
- civil rights
- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the inmate's complaint should be dismissed under 28 U.S.C. § 1915A because it attempted to initiate a federal criminal prosecution that a private citizen has no right to bring.
2. Whether the complaint was frivolous and malicious because Plaintiff reasserted claims he knew had no legal basis.
3. Whether Plaintiff should be granted leave to amend.

HOLDINGS

1. A private citizen cannot institute a federal criminal action; criminal prosecutions may be brought only by the federal government through the United States Attorney. A private citizen also lacks a judicially cognizable interest in the prosecution or nonprosecution of another.
2. The complaint must be dismissed under § 1915A(b) as frivolous and malicious when it asserts claims with no legal basis and reasserts claims that the plaintiff knows are legally unavailable.
3. Leave to amend was properly denied because amendment would be futile where dismissal rests on the legal impossibility and frivolousness of the claims rather than an amendable factual pleading deficiency.

KEY QUOTATIONS

“However, Plaintiff has been informed on numerous occasions that, as a private citizen, he cannot institute a federal criminal action—rather, only the federal government, through the United States Attorney, can do so.”

“As a result, Plaintiff is well aware that “a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another,””

“Accordingly, Plaintiff’s claims are legally frivolous.”

“The Court concludes that amendment in this case would be futile.”

“IT IS ORDERED that Plaintiff’s Complaint is DISMISSED with prejudice because the claims are frivolous and malicious.”

FACTUAL BACKGROUND

Plaintiff Lacey Sivak was an Idaho Department of Correction prisoner incarcerated at the Idaho State Correctional Center. He attempted to bring criminal charges against a federal judge through a purported civil complaint. The court noted that Plaintiff had repeatedly been informed in prior litigation that a private citizen cannot institute a federal criminal action and cannot demand the prosecution of another person.

PROCEDURAL HISTORY

The Clerk conditionally filed Plaintiff's purported criminal complaint because Plaintiff was an inmate. Upon screening, the court determined that Plaintiff, a private citizen, could not initiate a federal criminal prosecution against a federal judge and that the asserted claims were frivolous and malicious. The court dismissed the complaint with prejudice and without leave to amend, concluding that amendment would be futile.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56 (2007)
- Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989)
- Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000)
- Washington v. Los Angeles Cnty. Sheriff's Dep't, 833 F.3d 1048, 1056 (9th Cir. 2016)
- Sivak v. Clerk of Court, No. 1:24-cv-00030-AKB, 2024 WL 1194460, at *2 (D. Idaho Mar. 20, 2024)
- Sivak v. Docket Clerk, No. 1:24-cv-00021-DCN, 2024 WL 380880, at *2 (D. Idaho Feb. 1, 2024)
- Sivak v. Docket Clerk, No. 1:24-cv-00020-BLW (D. Idaho Feb. 4, 2024)
- Sivak v. Docket Clerk, No. 1:24-cv-00019-BLW, 2024 WL 1071944, at *2 (D. Idaho Mar. 12, 2024)
- Sivak v. Winmill, No. 1:23-cv-00014-AKB, 2023 WL 4600516, at *2 (D. Idaho July 18, 2023)
- Sivak v. Duggan, No. 1:21-CV-00166-BLW, 2021 WL 1881038, at *1 (D. Idaho Apr. 26, 2021)
- Sivak v. Doe, No. 1:19-CV-00234-DCN, 2019 WL 13240389, at *2 (D. Idaho Sept. 11, 2019)
- Sivak v. Wilson, No. 1:93-CV-00081-EJL, 2014 WL 12634293, at *2 (D. Idaho June 20, 2014), *aff'd*, 646 F. App'x 523 (9th Cir. 2016)
- Sivak v. Nye, No. 1:24-cv-00193-BLW (D. Idaho June 26, 2024)
- Sivak v. Winmill, No. 1:25-cv-00043-DCN (D. Idaho May 22, 2025)
- Sivak v. Newhouse, No. 1:25-cv-00045-AKB (D. Idaho Apr. 16, 2025)
- Sivak v. Nye, No. 1:25-cv-00632-BLW (D. Idaho Dec. 5, 2025)
- Sivak v. Bevan, No. 1:25-cv-00291-AKB (D. Idaho Jan. 6, 2026)
- Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973)
- Johnson v. Craft, 673 F. Supp. 191, 193 (D. Miss. 1987)
- Julian v. Crystal Springs Rehab. Ctr., 884 F.2d 1395, n.2 (9th Cir. 1989) (unpublished)
- Brinson v. McKeeman, 992 F. Supp. 897, 912 (D. Tex. 1997)
- Scott v. Weinberg, 2007 WL 963990, at *12-13 (D. Wash. Mar. 26, 2007)
- Thomas v. Commonwealth of Virginia, 2005 WL 1074333, at *5 (D. Va. May 5, 2005)
- Foman v. Davis, 371 U.S. 178, 182 (1962)
- Johnson v. Buckley, 356 F.3d 1067, 1077 (9th Cir. 2004)