

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE                   §  
PETITION OF DAVID J.                   § No. 368, 2008  
BUCHANAN FOR A WRIT OF           §  
MANDAMUS<sup>1</sup>                               §

Submitted: August 11, 2008  
Decided: September 2, 2008

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

**ORDER**

This 2<sup>nd</sup> day of September 2008, it appears to the Court that:

(1) On July 21, 2008, petitioner David J. Buchanan filed a petition for a writ of mandamus, one of numerous actions he has filed in this Court over the past several months. In the petition, Buchanan requests this Court to order the Family Court to, among other things, comply with Buchanan's request for documents in his property division case (Fam. Ct. File No. CS94-3107). In addition, Buchanan filed two motions requesting this Court to a) order the Office of the Attorney General to investigate alleged fraudulent acts by his former wife and her attorney in connection with his Family Court case; and b) order that all of his court fees and costs be deferred.

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<sup>1</sup> Because we have concluded that the instant petition does not involve sensitive matters requiring pseudonyms under Supreme Court Rule 7(d), this Court's Order dated July 22, 2008, which assigned pseudonyms to the parties, is hereby rescinded. For the same reason, the July 29, 2008 Order assigning pseudonyms in Supreme Court No. 379, 2008 and the July 31, 2008 Order assigning pseudonyms in Supreme Court No. 380, 2008 are also hereby rescinded.

(2) A review of the Supreme Court docket reflects that Buchanan has filed at least eight separate actions in this Court over the past several months, all of which stem from his dissatisfaction with the Family Court's disposition of his and his former wife's marital property.<sup>2</sup> Buchanan also has filed a number of repetitive motions and letters in connection with each of his separate appeals and petitions.

(3) The record further reflects that Buchanan was incarcerated in default of bail after being charged with burglary, criminal mischief, resisting arrest, criminal contempt of a protection from abuse order, and weapon counts stemming from his violation of a Family Court order barring him from the marital home. Two of Buchanan's petitions filed in this Court present essentially identical requests for relief from the imposition of "excessive bail" in connection with his incarceration.<sup>3</sup>

(4) We have carefully reviewed Buchanan's instant petition for a writ of mandamus and find that it fails to invoke the original jurisdiction of this Court to issue a writ of mandamus.<sup>4</sup> Moreover, we also find that the petition is repetitive of claims made in Buchanan's eight previous appeals, petitions, and motions.

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<sup>2</sup> *In re Buchanan*, No. 256, 2008; *In re Buchanan*, No. 312, 2008; *Buchanan v. State*, No. 324, 2008; *Buchanan v. Gay*, No. 562, 2006; *In re Brown*, No. 368, 2008; *Bailey v. Reed*, No. 379, 2008; *Brown v. Reed*, 380, 2008; *Bell v. Bell*, No. 60, 2008.

<sup>3</sup> *In re Buchanan*, Del. Supr., No. 256, 2008, Holland, J. (June 25, 2008); *In re Buchanan*, Del. Supr., No. 312, 2008, Berger, J. (July 23, 2008).

<sup>4</sup> *In re Bordley*, 545 A.2d 619, 620 (1988) (This Court has authority to issue a writ of mandamus only when the petitioner can demonstrate a clear right to the performance of a duty, no other adequate remedy is available, and the trial court arbitrarily failed or refused to perform its duty).

Because we conclude that Buchanan's repetitive and excessive filings constitute an abuse of the processes of this Court, we hereby direct the Clerk that no future filings by Buchanan in connection with Family Court File No. CS94-3107 shall be docketed unless first reviewed and approved for filing by a Justice of this Court. Moreover, no pseudonyms shall be assigned in any such matter unless first approved by a Justice of this Court.

NOW, THEREFORE, IT IS ORDERED that Buchanan's petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice