

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 24 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JAYMAR STANTON ADAMS,

No. 16-15230

Petitioner-Appellant,

D.C. No. 5:14-cv-04673-BLF

v.

MEMORANDUM\*

UNITED STATES CUSTOMS AND  
BORDER PROTECTION; RUSSELL  
HOLSOPPLE,

Respondents-Appellees.

Appeal from the United States District Court  
for the Northern District of California  
Beth Labson Freeman, District Judge, Presiding

Submitted April 11, 2017\*\*

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

Jaymar Stanton Adams appeals pro se from the district court's summary judgment on his petition for writ of mandamus under 28 U.S.C. § 1361. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Guatay Christian*

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*Fellowship v. County of San Diego*, 670 F.3d 957, 970 (9th Cir. 2011) (cross-motions for summary judgment); *Kildare v. Saenz*, 325 F.3d 1078, 1082 (9th Cir. 2003) (denial of mandamus). We affirm.

The district court properly granted summary judgment on Adams’s petition for writ of mandamus because Adams failed to raise a genuine dispute of material fact as to whether his claim was “clear and certain” and whether there was “no other adequate remedy” available. *See Lowry v. Barnhart*, 329 F.3d 1019, 1021 (9th Cir. 2003) (setting forth elements for mandamus relief).

Adams’s request to transfer this matter to the District of South Dakota, set forth in his opening brief, is denied.

**AFFIRMED.**