

FILED

APR 02 2009

Clerk, U.S. District and
Bankruptcy Courts

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Muhammed M. Abdullah,)
)
 Plaintiff,)
)
 v.)
)
 James C. Duff,)
)
 Defendant.)

Civil Action No. **09 0610**

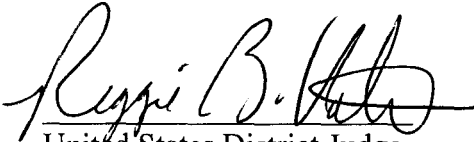
MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner's complaint upon a determination that the complaint, among other grounds, fails to state a claim upon which relief can be granted).

Plaintiff is a prisoner at the Federal Correctional Institution in Salters, South Carolina. He seeks a writ of mandamus to compel the Director of the Administrative Office of the United States Courts ("A.O.") to perform his duty to "investigate the work of the probation officers and make recommendations concerning the same to the respective judges[.]" 18 U.S.C. § 3672. This Court's mandamus authority extends only to "officer[s] or employee[s] of the United States or any agency thereof[.]" 28 U.S.C. § 1361. The mandamus statute "appl[ies] to matters arising in the executive branch and its administrative agencies." *Seltzer v. Foley*, 502 F. Supp. 600, 602 n.2 (S.D.N.Y. 1980). The A.O. is part of the judicial branch of the federal government. *See* 28 U.S.C. § 601 ("Director and a Deputy Director [are] appointed and subject to removal by the

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Chief Justice of the United States, after consulting with the Judicial Conference.”). The complaint therefore fails to state a claim upon which relief can be granted. A separate Order of dismissal accompanies this Memorandum Opinion.


United States District Judge

Date: March 23rd, 2009