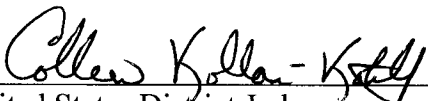


The petitioner claims that the respondents “absolutely refused to perform [their] duty to assess harms, and arbitrarily and capriciously identified G.W. Bush, Dick Cheney, Laura Bush, Lynne Cheney, and Donald Rumsfeld as crime victims.” *Id.* ¶ 19. The petitioner demands a writ of mandamus directing the respondents to perform this “ministerial duty . . . owed to [him] as a direct and proximate cause of Federal Rule of Criminal Procedure 32(d)(2)(B)’s requirement that a presentence report must contain ‘information that assesses any financial, social, psychological, and medical impact on any victim.’” *Id.* ¶ 21.

Mandamus relief is proper only if “(1) the plaintiff has a clear right to relief; (2) the defendant has a clear duty to act; and (3) there is no other adequate remedy available to plaintiff.” *Council of and for the Blind of Delaware County Valley v. Regan*, 709 F.2d 1521, 1533 (D.C. Cir. 1983) (en banc). The party seeking mandamus has the “burden of showing that [his] right to issuance of the writ is ‘clear and indisputable.’” *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271, 289 (1988) (citing *Bankers Life & Cas. Co. v. Holland*, 346 U.S. 379, 384 (1953)). Although the respondents, “[a]t the earliest opportunity after the detection of a crime . . . shall . . . identify the victim or victims of a crime,” 42 U.S.C. § 10607(b)(1), they are “not required to do anything . . . in the absence of an ongoing criminal investigation.” *Saum v. Widnall*, 912 F. Supp. 1384, 1396 (D. Colo. 1996). The petitioner already has been convicted; his presentence investigation report already has been submitted; he already has served his entire prison sentence. Because the petitioner cannot demonstrate a clear an indisputable right to mandamus relief, his petition must be denied. An Order accompanies this Memorandum Opinion.

DATE: April 30, 2012


United States District Judge