

SUPERIOR COURT
OF THE
STATE OF DELAWARE

E. SCOTT BRADLEY
JUDGE

SUSSEX COUNTY COURTHOUSE
1 The Circle, Suite 2
GEORGETOWN, DE 19947

July 25, 2005

Keavney L. Watson
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

RE: Keavney L. Watson v. Bank of America., C.A. No. 05M-07-011

DATE SUBMITTED: July 22, 2005

Dear Mr. Wilson:

Petitioner Keavney L. Watson (“petitioner”) has filed a petition seeking a writ of mandamus (“petition”) and a motion to proceed in forma pauperis. I have reviewed both, and this is my decision denying both.

Petitioner’s affidavit filed in support of his motion to proceed in forma pauperis is not notarized and accordingly, the Court denies the motion on that ground. 10 Del. C. § 8802(b). There is no point in providing petitioner with the opportunity to have a notary notarize the affidavit because a review of the petition seeking the issuance of a writ of mandamus shows it is legally frivolous. 10 Del. C. §8803(b).

In his petition, petitioner asks that the Court enter an order instructing that Bank of America release information regarding a bank account. As the Supreme Court explained in Taylor v. State,

716 A.2d 975 (Del. 1998):

A writ of mandamus is a command that may be issued by the Superior Court to an inferior court, public official, or agency to compel the performance of a duty to which the petitioner has established a clear legal right.

Bank of America, a private entity, is not an inferior court, public official or agency. Thus, petitioner is not entitled to a writ of mandamus.

Since this petition is legally frivolous, the Court dismisses it with prejudice.

IT IS SO ORDERED.

Very truly yours,

E. Scott Bradley

cc: Prothonotary's Office