

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES ARTHUR BIGGINS,	§	
	§	No. 615, 2001
Petitioner Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware, in
v.	§	and for Kent County, in C.A.
	§	No. 01M-09-008.
DEPARTMENT OF CORRECTION	§	
OF THE STATE OF DELAWARE,	§	
et al. (DELAWARE	§	
CORRECTIONAL CENTER),	§	
	§	
Respondent Below,	§	
Appellee.	§	

Submitted: April 3, 2002  
Decided: June 6, 2002

Before **WALSH, HOLLAND** and **BERGER**, Justices.

**ORDER**

This 6th day of June 2002, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The petitioner-appellant, James A. Biggins, filed this appeal from the Superior Court's order dated October 10, 2001, that dismissed his petition for a writ of mandamus. The State of Delaware, on behalf of the respondent-appellee, Delaware Correctional Center, has moved to affirm

the judgment of the Superior Court on the ground that it is manifest on the face of Biggins' opening brief that the appeal is without merit. We agree and AFFIRM.

(2) Biggins is a prisoner at the Delaware Correctional Center [DCC].<sup>1</sup> In September 2001, Biggins filed a petition for a writ of mandamus in the Superior Court, alleging that DCC's inmate grievance system and "disciplinary practices" are unconstitutional. Biggins requested that the Superior Court take "judicial notice" of DCC's

repeated and continual abuse of authority; official practices of misconduct; denial of access to the courts; legal services denial including legal information, notary, and legal supplies; denial of medical and dental services; denial of medication; withholding and destruction of both legal and regular mail; repeated invasions of privacy (reading and opening legal mail); unlawful confiscation of legal mail; unsanitorial [sic] food preparations and servicing practices; retaliatorial [sic] disciplinary practices, etc.

Moreover, Biggins requested that DCC "place [him] back into a lower security status," expunge his "entire disciplinary record," and "award compensation . . . at the rate of \$200 per day for each day [Biggins] was deprived of his fundamental liberties."

(3) By order dated October 10, 2001, the Superior Court summarily dismissed Biggins' mandamus petition on the basis that Biggins had "state[d] no grounds for seeking a writ of mandamus." On appeal, Biggins contends that the Superior Court abused its discretion when dismissing his mandamus petition.

(4) A writ of mandamus may be issued by the Superior Court to a lower court, public official or agency, to compel the performance of a duty to which the petitioner has a clear legal right.<sup>2</sup> Mandamus is issuable not as a matter of right, but only in the exercise of sound judicial discretion.<sup>3</sup> The petitioner seeking mandamus must establish a clear right to the relief requested and must show that there is no other adequate remedy at law.<sup>4</sup>

(5) The Superior Court did not abuse its discretion when denying Biggins' mandamus petition. Biggins did not establish in the Superior Court that he has a clear legal right to the relief that he seeks, that DCC has breached a duty owed to him, or that he is without an adequate remedy at law to pursue his claims.

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<sup>1</sup> In 1997, Biggins was sentenced to a total of 30 years at Level V imprisonment. *See Biggins v. State*, 1999 WL 1192332 (Del. Supr.) (affirming Biggins' conviction and sentence on direct appeal).

<sup>2</sup> *Clough v. State*, 686 A.2d 158, 159 (Del. 1996).

<sup>3</sup> *Schagrin Gas Co. v. Evans*, 418 A.2d 997, 998 (Del. 1980).

<sup>4</sup> *In re Hyson*, 649 A.2d 807 (Del. 1994).

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland  
Justice