

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION §
OF KEVIN EPPERSON FOR A WRIT § No. 263, 2006
OF MANDAMUS §

Submitted: June 15, 2006

Decided: June 20, 2005

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

ORDER

This 20th day of June 2006, it appears to the Court that:

(1) The petitioner, Kevin Epperson, seeks to invoke this Court's original jurisdiction by requesting the issuance of a writ of mandamus. Although his petition is not entirely clear, Epperson appears to request this Court to issue a writ of mandamus to the Department of Correction to compel his placement in a different housing unit within the prison. The State of Delaware has filed a motion to dismiss Epperson's petition on the ground that it is frivolous and fails to state a claim for mandamus relief.

(2) We agree. The original jurisdiction of this Court to issue an extraordinary writ of mandamus is limited to instances when the respondent is a court or judge thereof.¹ Accordingly, this Court does not have original jurisdiction to order the Department of Correction to take action in Epperson's case.

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ *In re Hitchens*, 600 A.2d 37, 38 (Del. 1991).