

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 15-3640

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Michael John Bui

*Plaintiff - Appellant*

v.

U.S. Attorney's Office

*Defendant - Appellee*

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Appeal from United States District Court  
for the District of Minnesota - Minneapolis

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Submitted: May 2, 2016

Filed: May 4, 2016

[Unpublished]

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Before WOLLMAN, BOWMAN, and MURPHY, Circuit Judges.

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PER CURIAM.

Michael Bui appeals after the District Court<sup>1</sup> dismissed his petition for a writ of mandamus. Upon careful de novo review, see Hart v. United States, 630 F.3d 1085, 1088 (8th Cir. 2011) (reviewing de novo the dismissal of a complaint for lack of subject-matter jurisdiction based on sovereign immunity), we conclude that dismissal was proper, see Borntrager v. Stevas, 772 F.2d 419, 420 (8th Cir.) (“[M]andamus may issue against an officer of the United States only when the plaintiff has a clear right to relief, the defendant has a clear duty to perform the act in question, and the plaintiff has no adequate alternative remedy.”), cert. denied, 474 U.S. 1008 (1985); see also Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (noting that a pleading “must contain sufficient factual matter” to state a claim that is plausible on its face in order to avoid dismissal); In re Lombardi, 741 F.3d 888, 893–94 (8th Cir.) (en banc) (explaining the standards for granting a petition for writ of mandamus), cert. denied, 134 S. Ct. 1790 (2014). Accordingly, we affirm.

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<sup>1</sup>The Honorable John R. Tunheim, Chief Judge, United States District Court for the District of Minnesota, adopting the report and recommendations of the Honorable Franklin L. Noel, United States Magistrate Judge for the District of Minnesota.