

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

IN RE R. WAYNE JOHNSON,
Petitioner.

2014-145

On Petition for Writ of Mandamus to the United States Court of Federal Claims in No. 1:14-cv-00537-NBF, Judge Nancy B. Firestone.

ON MOTION

PER CURIAM.

ORDER

R. Wayne Johnson filed a petition for a writ of mandamus, seeking relief within his United States Court of Federal Claims case, 1:14-cv-00537. Johnson also moves for leave to proceed in forma pauperis before this court.

On July 1, 2014, the Court of Federal Claims consolidated two of Johnson's cases, 1:14-cv-00537 and 1:14-cv-00294.* On August 5, 2014, that court dismissed both

* Johnson filed a notice of appeal in case 1:14-cv-00294 from an order of the Court of Federal Claims that

complaints without prejudice under the “three strikes rule,” 28 U.S.C. § 1915(g), which barred Johnson from proceeding in forma pauperis. The Court of Federal Claims ordered that the cases were subject to reinstatement within 30 days if Johnson paid the filing fees. Johnson did not pay the filing fees, but instead filed a mandamus petition with this court challenging unspecified “void orders.” Johnson does not discuss the required filing fees or the dismissal of his complaints for failure to pay those fees.

A party who seeks a writ bears the burden of proving that he has no other means of attaining the relief desired, *Mallard v. U.S. Dist. Court*, 490 U.S. 296, 309 (1989), and that the right to issuance of the writ is “clear and indisputable.” *Allied Chemical Corp. v. Daiflon, Inc.*, 449 U.S. 33, 35 (1980). Johnson has not established that mandamus relief is appropriate.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition for mandamus is denied.
- (2) The motion to proceed in forms pauperis is denied.

FOR THE COURT

/s/ Daniel E. O’Toole
Daniel E. O’Toole
Clerk of Court

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denied, inter alia, a request for an injunction. That appeal is docketed in this court as 2014-5102.