

NOTE: This order is nonprecedential.

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

In re: JEREMIAH W. BALIK,
Petitioner

2021-186

On Petition for Writ of Mandamus to the United States
Court of Appeals for Veterans Claims.

ON PETITION AND ON MOTION

PER CURIAM.

O R D E R

Jeremiah W. Balik has filed a submission entitled “Preemptory Appeal [and] Motion for Writ of Mandamus,” in which he asks the court to “compel [the] Board of Veterans’ Appeals . . . to render a timely decision.” ECF No. 2 at 3. He also files a motion for leave to proceed *in forma pauperis* (IFP) and a motion for an extension to file IFP and notice of what he characterizes as a related district court case.

To obtain mandamus, a petitioner must show (1) that there are no adequate alternative legal channels through which the petitioner may obtain that relief; (2) that he has a clear legal right to relief; and (3) that the grant of

mandamus relief is appropriate under the circumstances. *See Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004).

Mr. Balik has not met that standard here. To the extent that Mr. Balik believes that the Board has unreasonably delayed the processing of a pending claim, he can file a petition for a writ of mandamus at the United States Court of Appeals for Veterans Claims to compel the Board to take appropriate action. *See Martin v. O'Rourke*, 891 F.3d 1338, 1344 (Fed. Cir. 2018). This court reviews those decisions on appeal from the Veterans Court. Mr. Balik therefore has an adequate alternative channel to obtain the relief that he appears to seek from this court.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition is denied.
- (2) All pending motions are denied as moot.

FOR THE COURT

November 17, 2021
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court