

NOTE: This order is nonprecedential.

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

In re: FRANKLIN C. SMITH,
Petitioner

2022-119

On Petition for Writ of Mandamus to the United States
District Court for the District of Columbia.

ON PETITION

PER CURIAM.

O R D E R

Franklin C. Smith petitions for a writ of mandamus to compel the Clerk of the United States District Court for the District of Columbia to docket Mr. Smith's lawsuit against United States Attorney General Merrick Garland and judges of the District Court for the District of Columbia relating to their handling of a criminal case.

The All Writs Act provides that the federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). As that statute makes clear, the Act is not itself a grant of jurisdiction. *See Clinton v. Goldsmith*, 526 U.S. 529, 534–35 (1999). Any appeal

from Mr. Smith's proposed case would fall outside this court's appellate jurisdiction. Our review of district court decisions is limited to cases on review from the United States Patent and Trademark Office, *see* 28 U.S.C. § 1295(a)(4)(C); civil actions arising under the patent laws, *see* § 1295(a)(1); and cases where the district court's jurisdiction was based in part or in whole on the Little Tucker Act, 28 U.S.C. § 1346(a)(2), *see* § 1295(a)(2). Because Mr. Smith's case would not fall within that limited subject matter, we also do not have jurisdiction to grant his request for mandamus relief.

Accordingly,

IT IS ORDERED THAT:

The petition is dismissed.

FOR THE COURT

February 11, 2022
Date

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