

NOTE: This order is nonprecedential.

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

In re: REBECCA GALLOGLY,
Petitioner

2022-129

On Petition for Writ of Mandamus to the United States Court of Federal Claims in No. 1:20-cv-00261-MCW, Senior Judge Mary Ellen Coster Williams.

ON PETITION

PER CURIAM.

O R D E R

On June 17, 2020, the United States Court of Federal Claims dismissed Rebecca Gallogly's case and entered judgment. The Court of Federal Claims subsequently denied all post-judgment motions on May 19, 2021. On March 10, 2022, Dr. Gallogly filed this petition challenging several of the Court of Federal Claims' rulings and requesting various relief in connection with her claims.

The remedy of mandamus is available only in "exceptional circumstances to correct a clear abuse of discretion or usurpation of judicial power." *In re Calmar, Inc.*, 854 F.2d 461, 464 (Fed. Cir. 1988) (citations omitted). A party seeking a writ of mandamus bears the burden of

demonstrating to the court that (1) there are no adequate alternative legal channels through which she may obtain that relief; (2) the petitioner has a clear and indisputable right to relief; and (3) the grant of mandamus is appropriate under the circumstances. *See Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004).

Dr. Gallogly has not met those requirements here. “Mandamus relief is not appropriate when a petitioner fails to seek relief through the normal appeal process.” *In re Fermin*, 859 F. App’x 904, 905 (Fed. Cir. 2021); *see also In re Pollitz*, 206 U.S. 323, 331 (1907) (“[M]andamus cannot . . . be used to perform the office of an appeal . . .”). Because Dr. Gallogly failed to raise her challenges to the decisions of the Court of Federal Claims by way of a timely filed direct appeal, we deny her request for mandamus.

Accordingly,

IT IS ORDERED THAT:

The petition is denied, and any pending motions are denied as moot.

FOR THE COURT

May 12, 2022

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court