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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Brett Jones-Theophilious,
Plaintiff,

vs.

State of Arizona, et al.,
Defendants.

No. CV 13-2658-PHX-DGC (SPL)

ORDER

Plaintiff Brett Jones-Theophilious, who is confined in the Metropolitan Detention Center, filed a document entitled “Appeal, Challenge of Jurisdiction, Writ of Mandamus, Gate-Keeping by Agents of the AOU Acting in the Capacity of Overlord of Justice Default Judgment Requested” (Doc. 1) (the “Writ”).¹ The Court will deny the Writ and dismiss this case.

In his Writ, Plaintiff names the State of Arizona and the Administrative Office of the United States Courts as Respondents. Plaintiff alleges that, on October 8, 2013, he sent a Complaint to the “United States District Court in Arizona, at Maricopa County” and the Clerk of the Court did not file the Complaint.² Plaintiff also alleges that he sent Defendants a copy of the Complaint and they are in default and are “barred from

¹ To facilitate the consideration of this case, the Clerk of the Court labeled the document a “Complaint for Writ of Mandamus” on the Court’s docket.

² To the extent Plaintiff sent his Complaint to this Court for filing, the Clerk of this Court has no record of receiving the Complaint to which Plaintiff refers.

1 contesting or rebutting affidavit complaint.” Plaintiff requests that the Court order the
2 Clerk to file the Complaint and to enter default judgment against the Defendants.

3 “Mandamus is an extraordinary remedy granted in the court’s sound discretion.”
4 *Johnson v. Reilly*, 349 F.3d 1149, 1154 (9th Cir. 2003) (citation omitted). For mandamus
5 relief, three elements must be satisfied: (1) petitioner has a clear and certain claim; (2) the
6 respondent has a non-discretionary, ministerial duty, which is so plain as to be free from
7 doubt; and (3) the petitioner does not have an adequate available remedy. *Id.* at 1153.

8 Plaintiff has failed to satisfy any of these elements. Accordingly, the Writ will be
9 denied and this case will be dismissed. If Plaintiff seeks to file a Complaint in this Court,
10 he may mail an original plus one copy of the complaint and any other documents
11 submitted to the Court. If Plaintiff wishes to have a file-stamped copy of the document
12 returned to him, he must send one additional copy to the Court. All copies must be
13 identical to the original. Plaintiff must also submit the appropriate filing fee for the
14 Complaint or an Application to Proceed *In Forma Pauperis*. The Court’s address is:

15 United States District Court
16 District of Arizona - Phoenix Division
17 Sandra Day O’Connor U.S. Courthouse, Suite 130
18 401 West Washington Street, SPC 1
19 Phoenix, AZ 85003-2118

20 Based on the foregoing,

21 **IT IS ORDERED** that the Writ (Doc. 1) is **denied** and this case is **dismissed**.
22 The Clerk of Court must enter judgment accordingly.

23 Dated this 28th day of January, 2014.

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David G. Campbell
United States District Judge