

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**WINSTON HOLLOWAY,
ADC #67507**

PLAINTIFF

V.

CASE NO. 5:15-CV-335 BSM/BD

RANDY WATSON

DEFENDANT

ORDER

Winston Holloway, an Arkansas Department of Correction (“ADC”) inmate, filed this lawsuit pro se. (Docket entry #2) He states that he brings this action as a “petition for the writ of mandamus and/or prohibition pro hac vice under 28 U.S.C.A. § 1651, All Writs Act, and F.R.A.P., Rule 21(c).” (Docket entry #2) In this pleading, Mr. Holloway alleges that ADC staff members interfered with his right to access the courts by failing to mail his writ of certiorari to the United States Supreme Court. Mr. Holloway names Warden Randy Watson as the Respondent, and requests only injunctive relief.

This case cannot proceed as a petition for writ of mandamus. The writ of mandamus is an extraordinary writ that is appropriate only when the party seeking the writ has no other means to obtain the relief requested and the district court’s non-appealable order is a clear abuse of discretion. *In re Life Ins. Co. of North America*, 857 F.2d 1190, 1192 (8th Cir.1988); and *In re Prairie Island Dakota Sioux*, 21 F.3d 302, 304 (8th Cir. 1994) (per curiam).

Mr. Holloway may be able to proceed with this complaint under 42 U.S.C. § 1983, however, if he files an amended complaint to address the deficiencies in the complaint.

Mr. Holloway identifies Warden Watson as the Respondent in the current petition. He goes on to explain, however, how other ADC staff members violated his first amendment rights. In his amended complaint, Mr. Holloway must name as defendants the individuals he wishes to sue and plainly state how each of them was personally involved in the deprivation of his constitutional rights. He must also explain how each defendant caused him to suffer injury.

Mr. Holloway has thirty days to file an amended complaint. His failure to file an amended complaint could result in the dismissal of this case, without prejudice. See Local Rule 5.5.

IT IS SO ORDERED, this 21st day of October, 2015.



UNITED STATES MAGISTRATE JUDGE