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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CLARENCE LEON DEWS,

Plaintiff,

v.

EDMUND G. BROWN, et al.,

Defendants.

CASE NO. 1:12-cv-00278-AWI-SKO PC

ORDER STRIKING PETITIONS FOR WRIT OF MANDAMUS

(Docs. 23 and 24)

Plaintiff Clarence Leon Dews, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 21, 2012. On December 14, 2012, Plaintiff filed his second petition for writ of mandamus and on December 17, 2012, Plaintiff filed his third petition for writ of mandamus.

The Court denied Plaintiff’s first petition for writ of mandamus on November 27, 2012, with prejudice. In its order, the Court explained to Plaintiff that his attempt to seek relief via a petition for writ of mandamus was misplaced and in no event was Plaintiff entitled to relief. Despite this admonition, Plaintiff has filed two more petitions. To the extent that there was some misunderstanding on Plaintiff’s part, the Court clarifies that in no event and under no circumstance is Plaintiff entitled, in this federal civil rights action, to a petition for writ of mandamus directed at state prison officials. *See Cheney v. U.S. Dist. Court for Dist. of Columbia*, 542 U.S. 367, 380, 124 S.Ct. 2576, 2586 (2004) (section 1651(a) codified the common-law writ of mandamus against a lower court); *Demos v. U.S. Dist. Court for Eastern Dist. of Washington*, 925 F.2d 1160, 1161-62 (9th Cir. 1991) (no jurisdiction to issue writ to a state court).

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