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UNITED STATES DISTRICT COURT

(Docs. 23 and 24)

EASTERN DISTRICT OF CALIFORNIA

CLARENCE LEON DEWS, Plaintiff, CASE NO. 1:12-cv-00278-AWI-SKO PC ORDER STRIKING PETITIONS FOR WRIT OF MANDAMUS

EDMUND G. BROWN, et al.,

v.

Defendants.

Plaintiff Clarence Leon Dews, a state prisoner proceeding prose, 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.

18 The Court denied Plaintiff's first petition for writ of mandamus on November 27, 2012, with 19 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 20 21 admonition, Plaintiff has filed two more petitions. To the extent that there was some 22 misunderstanding on Plaintiff's part, the Court clarifies that in no event and under no circumstance 23 is Plaintiff entitled, in this federal civil rights action, to a petition for writ of mandamus directed at 24 state prison officials. See Cheney v. U.S. Dist. Court for Dist. of Columbia, 542 U.S. 367, 380, 124 25 S.Ct. 2576, 2586 (2004) (section 1651(a) codified the common-law writ of mandamus against a 26 lower court); Demos v. U.S. Dist. Court for Eastern Dist. of Washington, 925 F.2d 1160, 1161-62 27 (9th Cir. 1991) (no jurisdiction to issue writ to a state court).

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1	The petitions are HEREBY ORDERED STRICKEN from the record and Plaintiff is warned
2	that abuse of the Court's resources through the filing of frivolous documents may result in the
3	imposition of sanctions. Ready Transp., Inc. v. AAR Mfg., Inc., 627 F.3d 402, 404-05 (9th Cir.
4	2010).
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6	IT IS SO ORDERED.
7	Dated: March 18, 2013
8	SENIOR DISTRICT JUDGE
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