



1 (1) the plaintiff's claim is clear and certain; (2) the duty of the officer is ministerial and so plainly  
2 prescribed as to be free from doubt; and (3) no other adequate remedy is available. See Fallini v.  
3 Hodel, 783 F.2d 1343, 1345 (9th Cir. 1986).

4 On September 1, 2017, the Court issued a second order directing service of process by the  
5 United States Marshal on Defendant Martin Martinez. (ECF No. 23.) Accordingly, Plaintiff's request  
6 for a further order is denied as moot. Furthermore, the Court has no authority to take the action  
7 requested by Plaintiff against the identified prison officials, who are state actors, by way of writ of  
8 mandamus. A petition for mandamus to compel a state court or official to take or refrain from some  
9 action is frivolous as matter of law. See Demons v. U.S. District Court, 925 F.2d 1160, 1161-62 (9th  
10 Cir. 1991).

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12 IT IS SO ORDERED.

13 Dated: September 5, 2017

  
UNITED STATES MAGISTRATE JUDGE

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