

1 enforce an established right by compelling the performance of a corresponding non-discretionary
2 ministerial act. See Finley v. Chandler, 377 F.2d 548 (9th Cir. 1967).

3 In this case, petitioner seeks a writ of mandamus directed to the California
4 Department of Corrections and Rehabilitation and the Riverside County Superior Court
5 instructing that his request for resentencing be granted. Mandamus is not appropriate because
6 petitioner does not seek a writ directed to an employee of the United States or an agency thereof.
7 Mandamus is also not appropriate because petitioner does not seek an order compelling the
8 performance of a non-discretionary ministerial act.

9 Based on the foregoing, the undersigned recommends that petitioner's petition for
10 a writ of mandamus be denied.

11 These findings and recommendations are submitted to the United States District
12 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
13 after being served with these findings and recommendations, any party may file written objections
14 with the court. Responses to objections shall be filed within 14 days after service of objections.
15 Failure to file objections within the specified time may waive the right to appeal. See Martinez v.
16 Ylst, 951 F.2d 1153 (9th Cir. 1991).

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19 Dated: December 10, 2018



20 DENNIS M. COTA
21 UNITED STATES MAGISTRATE JUDGE
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