UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

KAREEM B. SHAHEED,

         Plaintiff,

     v.

CLERK OF THE DISTRICT COURT FOR
THE NORTHERN DISTRICT,

         Defendant.

Case No. 18-cv-00295-VC   (PR)

**ORDER DISMISSING WITH
PREJUDICE SECOND PETITION FOR
WRIT OF MANDAMUS**

Plaintiff Kareem B. Shaheed, an inmate at Corcoran state prison, files a petition for a writ
of mandamus. His motion for leave to proceed in forma pauperis is granted in a separate order.
The petition is dismissed with prejudice.

DISCUSSION

I. Standard of Review

Federal courts must engage in a preliminary screening of cases in which prisoners seek
redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C.
§ 1915A(a). In its review, the Court must identify any cognizable claims, and dismiss any
claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or
seek monetary relief from a defendant who is immune from such relief. Id. at 1915A(b)(1),(2).
Pro se pleadings must be liberally construed. Balistreri v. Pacifica Police *Dep't*, 901 F.2d 696,
699 (9th Cir. 1990).

II. Allegations in Complaint

Shaheed seeks mandamus relief against the undersigned, District Judge Vince Chhabria,
regarding his handling of Case No. 13-cv-5751-VC because he granted the defendants' motion

for summary judgment and closed the case. Docket No. 58 in Case No. 13-cv-5751-VC. The Ninth Circuit denied Shaheed's appeal finding that the district court properly granted summary judgment. Docket No. 66 in Case No. 13-cv-5751-VC. Shaheed then filed a motion for reconsideration in the district court, which was denied. Docket No. 73 in Case No. 13-cv-5751-VC. Shaheed then filed a petition for a writ of mandamus, Docket No. 16-cv-7208-JD, challenging the outcome of Case No. 13-cv-5751-VC. On February 6, 2017, District Judge James Donato dismissed the petition with prejudice for failure to state a claim upon which relief may be granted. Docket No. 7 in Case No. 16-cv-7208-JD.

The federal mandamus statute provides that "[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff." 28 U.S.C. § 1361. Mandamus relief is only available to compel an officer of the United States to perform a duty if: (1) the plaintiff's claim is clear and certain; (2) the duty of the officer is ministerial and so plainly prescribed as to be free from doubt; and (3) no other adequate remedy is available. Fallini v. Hodel, 783 F.2d 1343, 1345 (9th Cir. 1986). However, a federal district court lacks authority to issue a writ of mandamus to another district court. Mullis v. U.S. Bankruptcy Court, 828 F.2d 1385, 1393 (9th Cir. 1987) (citing Lewis v. Green, 629 F. Supp. 546, 553 (D.D.C. 1986)).

Shaheed pursued many remedies after Case No. 13-cv-5751-VC was closed—he filed an appeal, a motion for reconsideration after appeal, and a petition for a writ of mandamus. All these challenges to the Court's ruling in Case No. 13-cv-5751-VC were denied. This shows Shaheed has had many opportunities to litigate the claims in Case No. 13-cv-13-5751-VC; he "has had his day in court" and may not keep litigating the same claims in different actions.

Like the petition in Case No. 16-cv-7208-JD, the present mandamus petition seeks a "horizontal appeal" from one district court to another and a "reverse review" of a ruling of the court of appeals by a district court, both of which are improper. See Mullis, 828 F.2d at 1393. Therefore, this action is dismissed for failure to state a claim upon which relief may be granted. Because amendment would be futile, it is dismissed with prejudice.

CONCLUSION

This case is dismissed with prejudice. The Clerk shall close the file. The Clerk shall not file any further documents Shaheed submits in this case; they shall be marked "received" and returned to Shaheed.

IT IS SO ORDERED.

Dated: February 26, 2018

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VINCE CHHABRIA
United States District Judge