

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WAYLAND DEE KIRKLAND,
Petitioner,
v.
WILLIAM BARR et al.,
Respondents.

Civil Action No. 20-2945 (UNA)

MEMORANDUM OPINION

Petitioner, appearing pro se, has filed a Petition for Writ of Mandamus and an application to proceed in forma pauperis. The Court will grant the application and dismiss this action pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) (requiring dismissal of a case upon a determination that the complaint fails to state a claim upon which relief may be granted).

A writ of mandamus is available to compel an "officer or employee of the United States or any agency thereof to perform a duty owed to plaintiff." 28 U.S.C. § 1361. Mandamus actions are reserved for "extraordinary situations." In re Cheney, 406 F.3d 723, 729 (D.C. Cir. 2005) (internal quotation marks omitted). Mandamus relief is warranted where "(1) the plaintiff has a clear right to relief; (2) the defendant has a clear duty to act; and (3) there is no other adequate remedy available to the plaintiff." Power v. Barnhart, 292 F.3d 781, 784 (D.C. Cir. 2002) (citations and internal quotation marks omitted). The "word 'duty' in § 1361 must be narrowly defined, and [the] legal grounds supporting the government's duty to [petitioner] must 'be clear and compelling.'" In re Cheney, 406 F.3d at 729 (citations omitted). The petitioner bears the burden of showing that his right to the writ is "clear and indisputable." Id. Even if the

