

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FILED

AUG 24 2021

Clerk, U.S. District & Bankruptcy Court for the District of Columbia

MICHAEL HUNTER,
Petitioner,
v.
UNITED STATES SENATORS et al.,
Respondents.

Civil Action No. 21-246 (UNA)

MEMORANDUM OPINION

Petitioner, appearing pro se, has filed a Petition for a writ of mandamus, ECF No. 1, and an application to proceed in forma pauperis, ECF No. 2. Also pending is Petitioner’s motion to use a P.O. Box address, ECF No. 4. The Court will grant the application and motion and then dismiss this action pursuant to 28 U.S.C. § 1915(e)(2)(B) (requiring dismissal of a case upon a determination that the complaint is frivolous).

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 the plaintiff.” 28 U.S.C. § 1361. The governing statute “is only a source of jurisdiction for district courts to exercise writs of mandamus to employees of the Executive branch,” United States v. Choi, 818 F. Supp. 2d 79, 84 (D.D.C. 2011) (emphasis in original), and relief is reserved for “extraordinary situations,” In re Cheney, 406 F.3d 723, 729 (D.C. Cir. 2005) (internal quotation marks omitted); see Power v. Barnhart, 292 F.3d 781, 784 (D.C. Cir. 2002) (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”) (citations and internal quotation marks omitted)).

