

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

JORGE A. TORRES, JR.,

Petitioner,

v.

Case No: 5:16-cv-308-Oc-30PRL

UNITED STATES EMBASSY EL
SALVADOR,

Respondent.

ORDER

THIS CAUSE comes before the Court upon Petitioner Jorge A. Torres, Jr.'s Emergency Petition for a Writ of Mandamus (Doc. 1) and Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 2). The Court, having reviewed the petition, and being otherwise acquainted with the facts of the case, concludes that the petition and application to proceed without prepaying fees should be denied.

A writ of mandamus is an extraordinary remedy. *See Kerr v. U.S. Dist. Ct.*, 426 U.S. 394, 402 (1976). This Court's mandamus jurisdiction is limited to petitions compelling an officer or employee of the United States or agency thereof to perform a duty owed to the plaintiff. 28 U.S.C. § 1361. In order for a writ of mandamus to issue, three conditions must be satisfied: "(1) there must be no other adequate means to attain the relief sought; (2) the right to issuance of the writ must be clear and indisputable; and (3) the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate

under the circumstances.” *In re Pressman-Gutman Co.*, 459 F.3d 383, 399 (3d Cir. 2006) (internal quotation marks omitted).

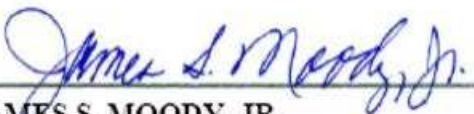
Petitioner asserts that he has been requesting assistance from the United States Embassy in El Salvador related to allegations that have caused the issuance of an Interpol Red Notice for several years and the Embassy has not done anything to assist Petitioner. (Doc. 1). He requests that the Court compel the Embassy to provide him assistance.

Under these allegations, Petitioner has not demonstrated that a writ of mandamus should be issued. He has not established that he is without alternative recourse or that he has a clear and indisputable right to assistance from the Embassy. Thus, a writ of mandamus does not appear appropriate under these circumstances.

After due consideration, it is hereby **ORDERED AND ADJUDGED:**

1. Jorge A. Torres, Jr.’s Emergency Petition for a Writ of Mandamus (Doc. 1) is DENIED.
2. The Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 2) is DENIED.
3. The Clerk is directed to close this case.

DONE and **ORDERED** in Tampa, Florida, this 20th day of July, 2016.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record