

for mandamus under 28 U.S.C. § 1361. See Carter v. Hardy, 526 F.2d 314, 315 (5th Cir. 1976). Section 1983 authorizes federal injunctive relief against state officials, whether executive, legislative, or judicial, to prevent violation of due process rights. Mitchum v. Foster, 407 U.S. 225, 240-242 (1972). As such, Plaintiff's claim for injunctive relief cannot be dismissed as frivolous on initial review.

It is SO ORDERED this 24th day of September, 2009.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

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