

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

GERARD PUGH,

Petitioner,

VS.

Chairperson ALBERT MURRAY, *et al.*,

Respondents.

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NO. 5:14-CV-91 (MTT)

**ORDER**

By Order dated March 18, 2014, the Court dismissed Petitioner **GERARD PUGH'S** 28 U.S.C. § 2254 habeas action (Doc. 6). Petitioner has now filed a "Motion for Refund," in which he asks this Court to order the Superior Court of Tattnall County to reimburse Petitioner \$207 he paid that court in connection with a state mandamus action (Doc. 7).

As the Court has dismissed Petitioner's habeas filing, the instant action is now closed. Moreover, the relief Petitioner seeks is in the nature of mandamus. Mandamus is an extraordinary remedy that should be used only in exceptional circumstances not present here. *Kerr v. United States District Court*, 426 U.S. 394, 402 (1976); *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1004 (11<sup>th</sup> Cir. 1997). Further, this Court has no power to issue a writ of mandamus to "direct state courts and their judicial officers in the performance of their duties where mandamus is the only relief sought." *Moye v. Clerk, DeKalb County Superior Court*, 474 F.2d 1275, 1275-76 (5th Cir.1973). Accordingly, Petitioner's motion is **DENIED**.

**SO ORDERED**, this 27th day of March, 2014.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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