

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**ERNEST BILLIZONE, SR.**

**CIVIL ACTION**

**VERSUS**

**NUMBER: 17-01000**

**STATE OF LOUISIANA**

**SECTION: "S"(5)**

**ORDER**

The Court, having considered the petition, the record, the applicable law, the Magistrate Judge's Report and Recommendation, and the Petitioner's objections to the Magistrate Judge's Report and Recommendation, hereby approves the Magistrate Judge's Report and Recommendation, and adopts it as its opinion herein. The Petitioner seeks to have this court issue a writ of mandamus directing the Supreme Court of Louisiana to act on his petition for a writ of *habeas corpus*, which is pending before that court. As noted by the United States Magistrate Judge, this court has no general mandamus power to direct state courts in the performance of their duties when mandamus is the only relief sought. See Doc. #5 (citing Santee v. Quinlan, 115 F.3d 355, 357 (5th Cir. 1997); Russell v. Knight, 488 F.2d 96 (5th Cir. 1973); Moye v. Clerk, DeKalb Cnty. Superior Court, 474 F.2d 1275 (5th Cir. 1973); Lamar v. 118th Judicial District Court of Tex., 440 F.2d 383 (5th Cir. 1971); Haggard v. State of Tenn., 421 F.2d 1384 (6th Cir. 1970).

Accordingly,

**IT IS ORDERED** that Petitioner's suit is dismissed with prejudice pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and (ii).

New Orleans, Louisiana, this 30<sup>th</sup> day of March, 2017.



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MARY ANN VIAL LEMMON  
UNITED STATES DISTRICT JUDGE