

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2015 OCT -7 AM 11:58

ARI BAILEY,
Petitioner,

*

CLERK'S OFFICE
AT BALTIMORE

v.

*

CIVIL ACTION NO. ~~RDB-15-2929~~ ^{DEPUTY}

*

CLERK OF THE CIRCUIT COURT FOR
BALTIMORE CITY CRIMINAL DIVISION
Respondent.

*

MEMORANDUM OPINION

The above-captioned action was filed with this Court on September 25, 2015. Petitioner seeks to have this Court issue an Order to the Clerk for the Circuit Court for Baltimore City-Criminal Division directing that the Clerk docket Petitioner's Motion to Dismiss in his State criminal proceedings. ECF 1. Petitioner has filed a Motion for Leave to Proceed in Forma Pauperis (ECF 2) which shall be granted.

Because Petitioner seeks to compel a certain action by the state and/or its agents, the Court concludes that the present matter is in the nature of a writ of mandamus. See 28 U.S.C. § 1361. Federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. However, this federal district court has no mandamus jurisdiction over state employees and cannot compel the Maryland state courts to take any action in Petitioner's criminal case. *Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 586-87 (4th Cir. 1969). Therefore, Petitioner's request for mandamus relief shall be denied.

A separate Order shall be entered reflecting the Opinion set forth herein.

OCTOBER 7, 2015
Date

Richard D. Bennett
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE