

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Paul Blackmer

v.

Civil No. 10-cv-124-SM

United States
Department of Justice

O R D E R

Before the Court for preliminary review is pro se plaintiff Paul Blackmer's Petition for Writ of Mandamus (doc. no. 1), pursuant to 28 U.S.C. § 1361. Also pending is Blackmer's motion (doc. no. 3), seeking leave to append to his mandamus petition the complete record in an earlier case seeking relief based on similar claims, Blackmer v. N.H. Atty. General, No. 03-cv-151-JD ("§ 1651 Petition").

For reasons stated more fully in the Report and Recommendation issued this date, I have recommended dismissal of the mandamus petition (doc. no. 1), for lack of jurisdiction, because defendant United States Justice Department has no duty to perform the act requested. Should that recommendation be accepted, the case will be dismissed. Accordingly, the pending motion (doc. no. 3) is denied as moot, without prejudice to refiling if the Report and Recommendation is not accepted.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: July 7, 2010
cc: Paul Blackmer, pro se

LBM:nmd