

DEC - 8 2009

**Clerk, U.S. District and  
Bankruptcy Courts**

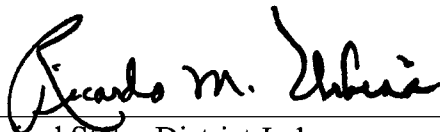
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Mandamus relief is proper only if “(1) the plaintiff has a clear right to relief; (2) the defendant has a clear duty to act; and (3) there is no other adequate remedy available to plaintiff.” *Council of and for the Blind of Delaware County Valley v. Regan*, 709 F.2d 1521, 1533 (D.C. Cir. 1983) (en banc). The party seeking mandamus has the “burden of showing that [his] right to issuance of the writ is ‘clear and indisputable.’” *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271, 289 (1988) (citing *Bankers Life & Cas. Co. v. Holland*, 346 U.S. 379, 384 (1953)).

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Petitioner does not establish any of these elements. He fails to demonstrate his clear right to relief, the respondents' clear duty to perform as he requests, and the lack of any other remedy. Because the petition does not state a claim upon which mandamus relief may be granted, the petition will be denied. An Order consistent with this Memorandum Opinion is issued separately.

  
United States District Judge

Date: 11/30/09