

FILED

JUN 16 2009

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

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ADJELEY OSEKRE,

Petitioner,

v.

ADRIAN FENTY, *et al.*,

Respondents.

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Civil Action No.

09 1098

MEMORANDUM OPINION

This matter comes before the court on review of petitioner's application to proceed *in forma pauperis* and *pro se* petition for a writ of mandamus. The court will grant the application, and dismiss the petition.

Petitioner alleges that he was terminated from his employment with the government of the District of Columbia, that he has challenged the termination to the District of Columbia Office of Employee Appeals ("OEA"), and that he has challenged the OEA's rulings on substantive and procedural grounds. *See* Pet. at 1 & Attach. ("Addendum to Motions to Appeal/Request for Review/Reopen"). He appears to request a writ of mandamus to compel the Mayor of the District of Columbia and the OEA to act on matters which allegedly have been pending before the OEA for several years.

Mandamus 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). Assuming without deciding that petitioner meets the first and second elements, he

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fails to establish the third: that there is no adequate remedy available to him. Generally, a District government employee may appeal to the OEA an agency decision resulting in his removal, *see* D.C. Code § 1-606.03(a) (2001), and he “may appeal the decision of the [OEA] to the Superior Court of the District of Columbia for a review of the record and such Court may affirm, reverse, remove, or modify such decision, or take any other appropriate action the Court may deem necessary,” *see* D.C. Code § 1-606.03(d) (2001). The Court will deny petitioner’s request that respondents be compelled to act on his pending motions before the OEA because it appears that he has a remedy available through the District of Columbia courts.

An Order consistent with this Memorandum Opinion is issued separately.



United States District Judge

Date:

6/5/09