

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN 31 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

David P. Christian,

Plaintiff,

v.

Secretary of the Army *et al.*,

Defendants.

Civil Action No.

11 0276

MEMORANDUM OPINION AND ORDER

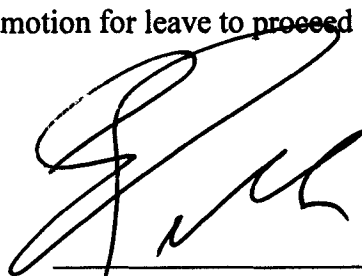
This matter is before the Court on its initial review of plaintiff's *pro se* Petition for a Writ of Mandamus and application to proceed *in forma pauperis*. Plaintiff, a homeless individual in Montrose, Colorado, seeks to correct his military records via a writ of mandamus or a declaratory judgment. *See* Pet. at 1. The Court may not entertain an action for those extraordinary remedies if another adequate remedy is available. *See, e.g., Mittleman v. United States Dep't. of Treasury*, 919 F. Supp. 461, 470 (D.D.C. 1995), *modified on other grounds*, 104 F.3d 410 (D.C. Cir. 1997) (in exercising its discretion under the Declaratory Judgment Act, the district court should consider, *inter alia*, the availability of other remedies); *Swan v. Clinton*, 100 F.3d 973, 977 n.1 (D.C. Cir. 1996) (mandamus relief is unavailable if, *inter alia*, another adequate remedy exists). The Privacy Act, 5 U.S.C. § 552a, provides an adequate remedy for addressing plaintiff's claims. Accordingly, it is this 24th day of January 2011,

ORDERED that the petition for a writ of mandamus is **DENIED**, and is hereafter construed as a Civil Complaint; it is

FURTHER ORDERED that the Clerk shall file this action as brought under the Privacy Act, 5 U.S.C. § 552a, and randomly assign it to a district judge; it is

FURTHER ORDERED that plaintiff's motion to use a P.O. Box address is
GRANTED; and it is

FURTHER ORDERED that plaintiff's motion for leave to proceed *in forma pauperis* is
GRANTED.



United States District Judge