

FILED

MAY 26 2011

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

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

SUSHILA MARU,

Petitioner,

v.

DEPARTMENT OF HOMELAND
SECURITY,

Respondent.

Civil Action No.

11 0978

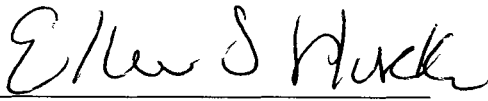
MEMORANDUM OPINION

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 she appeared for an interview with representatives of the Department of Homeland Security, U.S. Citizenship and Immigration Services, on November 22, 2010, and that defendant "cancelled the interview claiming that [her] husband [was] required to attend, even though he was not invited to appear." Compl. at 1; *see id.*, Ex. 1 (Request for Applicant to Appear for Interview dated November 1, 2010). To date, she alleges, that she has not been given another appointment date, *id.*, and she "believes that she is being harassed by the refusal of a new appointment and timely decision" on her application. *Id.* at 2. Among other relief, petitioner demands an order directing defendant "to reset a new appointment . . . and restraining the defendant from illegally rejecting [her] application and seeking her deportation." *Id.*

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). Petitioner addresses none of these elements, and for this reason, her petition will be denied. An Order consistent with this Memorandum Opinion is issued separately.


United States District Judge

Date:

5/25/11