UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BARBARA M. BUSH,

Petitioner,

v.

KENNETH J. CARROLL, *et al.*,

Respondents.

Civil Action No. 11 1197

MEMORANDUM OPINION

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

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)). Where the action petitioner seeks to compel is discretionary, he has no clear right to relief and mandamus therefore is not an appropriate remedy. *See, e.g., Heckler v. Ringer*, 466 U.S. 602, 616 (1984). Petitioner does not establish any of these elements.

Petitioner seeks an order compelling employees of the United States Department of Housing and Urban Development to respond to her correspondence. Absent any credible

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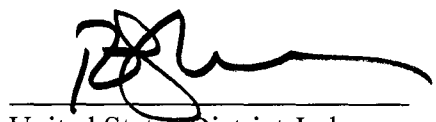
allegations demonstrating petitioner's clear right to relief and respondents' clear duty to act, the petition must be denied. An Order consistent with this Memorandum Opinion will be issued separately on this same date.



United States District Judge

Date: 6/20/14