

**FILED**

**FEB 21 2013**

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

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

ALLAN JOHNSON, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 CHRISTOPHER D. ROBERTS, )  
 )  
 Respondent. )

Civil Action No. **13 0219**

**MEMORANDUM OPINION**

It appears that petitioner has been charged with a misdemeanor criminal offense and that his case currently is pending in the Dayton Municipal Court in Dayton, Ohio. It further appears that the named respondent is the judge presiding over the criminal matter. Generally, petitioner alleges violations of Ohio law and of rights protected under the United States Constitution, and he complains of the “contumelious conduct” the respondent has displayed in court proceedings.

Mandamus is proper only if “(1) the [petitioner] has a clear right to relief; (2) the [respondent] has a clear duty to act; and (3) there is no other adequate remedy available to [the petitioner].” *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 on this record, there is no basis for the court to conclude that mandamus relief is warranted. Furthermore, petitioner sets forth no basis for this federal district court to interfere or otherwise involve itself in a matter before the Dayton Municipal Court. *See Younger v. Harris*, 401 U.S. 37, 45 (1971) (“[T]he normal thing to do when federal courts are asked to enjoin pending proceedings in state

(N)

5

courts is not to issue such injunctions.”). Accordingly, the petition will be denied and this action dismissed. An Order is issued separately.

DATE: 2/5/2013

  
United States District Judge