

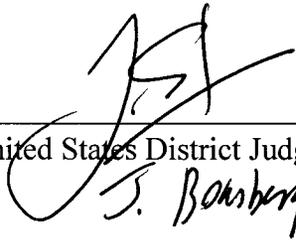


Mandamus relief is proper only if “(1) the plaintiff has a clear right to relief; (2) the defendant has a clear duty to act; and (3) there is no other adequate remedy available to plaintiff.” *Council of and for the Blind of Delaware County Valley v. Regan*, 709 F.2d 1521, 1533 (D.C. Cir. 1983) (en banc). 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)). This petitioner fails to meet his burden, particularly because he fails to demonstrate the absence of any other available remedy. Petitioner has been found not guilty of federal crimes by reason of insanity, see *United States v. Wattleton*, 296 F.3d 1184, 1187 (11<sup>th</sup> Cir. 2002) (“The defendant David Earl Wattleton was indicted for making bomb threats, in violation of 18 U.S.C. § 844(e), and the jury rendered an insanity verdict. At a post-verdict hearing pursuant to 18 U.S.C. § 4243(d), the district court determined that Wattleton was not eligible for release.”), and the court which ordered his commitment “at any time may . . . modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.” 18 U.S.C. § 4243(f).

The petition for a writ of mandamus will be denied. An Order accompanies this Memorandum Opinion.

DATE:

Apr. 19, 2013

  
United States District Judge