

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUN 14 2013

Clerk, U.S. District and
Bankruptcy Courts

Theodore E. Powell,)
)
Petitioner,)
)
v.)
)
Mayor Vincent Gray *et al.*,)
)
Respondents.)
_____)

Civil Action No.

13-902

MEMORANDUM OPINION

This matter is before the Court on review of the *pro se* petition for a writ of mandamus and application to proceed *in forma pauperis*. The Court will grant petitioner's application to proceed *in forma pauperis* and will dismiss this action for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action "at any time" it determines that subject matter jurisdiction is wanting).

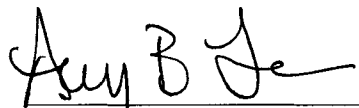
Petitioner, a resident of Highland Springs, Virginia, seeks a writ to compel District of Columbia Mayor Vincent Gray, D.C. Public Schools Chancellor Kaya Henderson, other District of Columbia employees, and private attorneys, to reinstate him as a teacher in the D.C. Public Schools at a salary of \$82,600. *See* Pet. for Writ of Mandamus at 3, 14. In the alternative, petitioner seeks to compel the respondents "to draw a warrant on the education fund in the [amount] of \$334,000.00 payable" to him. *Id.* at 14. Jurisdiction is wanting because the extraordinary writ of mandamus is available to compel an "officer or employee of the United States or any agency thereof to perform a duty owed to plaintiff," 28 U.S.C. § 1361, not the D.C.

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and private respondents listed in this action. A separate order of dismissal accompanies this Memorandum Opinion.

Date: May 23rd, 2013


United States District Judge