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

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

THEODORE E. POWELL,			
Petitioner,)		
v.)	Civil Action No.	13-1478
WASHINGTON TEACHERS UNION, et al.,)		
Respondents.)		

MEMORANDUM OPINION

This matter is before the Court on the petitioner's application to proceed *in forma* pauperis and his pro se petition for a writ of mandamus. The petitioner is a former employee of the District of Columbia Public Schools who was terminated on November 30, 2010. See Pet. ¶¶ 1, 40. Among other relief, the petitioner seeks a writ of mandamus directing respondents "to reinstate [him] as a teacher at the District of Columbia Public Schools . . . at a salary of . . . \$82,600.00 for . . . school years 2010, 11, 12, 13 or in the alternative directing them . . . to draw a warrant on the education fund in the [amount] of \$334,000.00 payable to the order of petitioner." *Id.* at 13 (emphasis removed).

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 (emphasis added), and the Court therefore cannot compel either the Washington Teachers Union or the Chancellor of the District of Columbia Public Schools to provide the relief petitioner

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demands. *See Powell v. Gray*, No. 12-0902, 2013 WL 3155367, at *1 (D.D.C. June 14, 2013). The petition for a writ of mandamus will be dismissed 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). An Order accompanies this Memorandum Opinion.

DATE: 9/19/2017

United States District Judge