

FILED

JUL 24 2015

**Clerk, U.S. District and
Bankruptcy Courts**

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

_____)	
Frederick Banks,)	
)	
Petitioner,)	Case: 1:15-cv-01202
)	Assigned To : Unassigned
v.)	Assign. Date : 7/24/2015
)	Description: Pro Se Gen. Civil (F)
Federal Bureau of Investigation, <i>et al.</i> ,)	
)	
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 Court will grant the application and dismiss the petition.

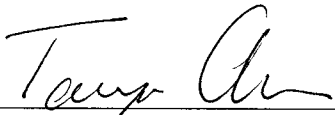
The petitioner alleges that he contacted a member of Senator Bob Casey's staff and sought her assistance in securing the return of personal property held by the Federal Bureau of Investigation, and that she and the other named respondents refused to assist him. He requests a writ of mandamus directing respondents "to contact the FBI and ascertain the status of [his] property and make an official inquiry as to why [his] claims have not been investigated. Pet. ¶ 3. In addition, he asks the Court to order "that the Capitol Police . . . cease and desist directing [petitioner] to not have contact with Senator[] Casey's office" *Id.*

The remedy of mandamus "is a drastic one, to be invoked only in extraordinary circumstances." *Allied Chemical Corp. v. Daiflon, Inc.*, 449 U.S. 33, 34 (1980). 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 addresses none of these elements, and thus fails to meet his burden.

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

DATE: 7/22/2015


United States District Judge