

Respondent.

Civil Action No. 19-0319 (UNA)

## MEMORANDUM OPINION

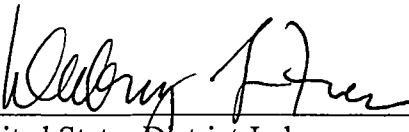
This matter is before the Court on petitioner's application to proceed *in forma pauperis* and his *pro se* mandamus petition to compel an investigation regarding a Special Agent with the United States Department of the Treasury. *See* Pet. at 1-2.

A writ of mandamus “compel[s] an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361. “[M]andamus is ‘drastic’; it is available only in ‘extraordinary situations.’” *In re Cheney*, 406 F.3d 723, 729 (D.C. Cir. 2005) (citations omitted). 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 the plaintiff,” *Thomas v. Holder*, 750 F.3d 899, 903 (D.C. Cir. 2014), is mandamus relief granted. This petitioner lists these elements, *see* Pet. at 3, without addressing them, and therefore fails to meet his burden. Furthermore, “[i]t is well-settled that a writ of mandamus is not available to compel discretionary acts,” *Cox v. Sec’y of Labor*, 739 F. Supp. 28, 30 (D.D.C. 1990) (citing

cases), and the petitioner does not demonstrate that the defendants' purported obligations are mandatory rather than discretionary.

The Court will grant the petitioner leave to proceed *in forma pauperis*, deny the request for a writ of mandamus, and dismiss this civil action. An Order accompanies this Memorandum Opinion.

DATE: March 21, 2019

  
United States District Judge