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

Respondent.

Civil Action No.: 1:19-cv-03309 (UNA)

A prisoner has no constitutionally protected interest in his place of confinement. *Olim v. Wakinekona*, 461 U.S. 238, 248 (1983); *Meachum v. Fano*, 427 U.S. 215, 225 (1976). “Moreover, the decision whether to transfer an inmate pursuant to a treaty is within the discretionary authority of the Attorney General and is not subject to judicial review[.]” *Marshall v. Reno*, 915 F. Supp.


426, 432 (1996) (citing *Bagguley v. Bush*, 953 F.2d 660, 661–62 (D.C. Cir. 1991), *cert. denied*, 503 U.S. 995 (1992) and *Scalise v. Thornburgh*, 891 F.2d 640, 649 (7th Cir. 1989), *cert. denied*, 494 U.S. 1083 (1990)).

The extraordinary remedy of a 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. “[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). A petitioner bears a heavy burden of showing that his right to a writ of mandamus is “clear and indisputable.” *Id.* 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. Petitioner addresses none of these elements, and thus fails to meet his burden. Additionally, “[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).

For the following reasons, the court will grant petitioner’s application for leave to proceed *in forma pauperis* and dismiss the mandamus petition. An Order accompanies this Memorandum Opinion.

DATE:

Dec 20, 2019

  
United States District Judge