

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

RAJ K. PATEL,)	
)	
Petitioner,)	
)	Civil Action No. 23-02152 (UNA)
)	
)	
UNITED STATES,)	
)	
Respondent.)	

MEMORANDUM OPINION

This action is before the Court on review of Petitioner’s Pro Se Emergency Second Amended Petition for Writ of Mandamus, ECF No. 6, and application to proceed *in forma pauperis*, ECF No. 2. For the following reasons, the application will be granted, and this case will be dismissed.

The mandamus statute confers upon federal district courts jurisdiction “to compel 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. As “an option of last resort,” *Illinois v. Ferriero*, 60 F.4th 704, 714 (D.C. Cir. 2023) (citation omitted), mandamus relief is available 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). If “all three of these threshold requirements” are not met, the Court must dismiss the petition for lack of subject-matter jurisdiction. *Ferriero*, 60 F.4th at 714. “In other words, mandamus jurisdiction under § 1361 merges with the merits.” *Lovitky v. Trump*, 949 F.3d 753, 759 (D.C. Cir. 2020) (cleaned up).

Petitioner seeks “a writ of mandamus to return the protection, Privilege, of the United States back to the Plaintiff[.]” ECF No. 6 at 2. Petitioner posits that he “need not sue a particular officer” because the “Chief Constitutional Officer (the President who is Commander-in-Chief of the Armed and Space Forces) will delegate it to Inferior Officers . . . or in the Heads of Departments, which the Secretary of State is both.” *Id.* (cleaned up). The assertions continue in this confusing manner, satisfying none of the requirements for mandamus relief. Consequently, this case will be dismissed by separate order.

Date: October 26, 2023

JIA M. COBB
United States District Judge