

UNITED STATES COURT OF APPEALS March 19, 2012  
FOR THE TENTH CIRCUIT Elisabeth A. Shumaker  
Clerk of Court

---

In re:

WILLIAM T. DICKSON,  
Petitioner.

No. 12-5039  
(D.C. No. 4:04-CV-00163-TCK-TLW)  
(N.D. Okla.)

---

**ORDER**

---

Before **LUCERO**, **MURPHY**, and **HOLMES**, Circuit Judges.

---

William T. Dickson, an attorney proceeding pro se, requests that this court issue a writ of prohibition precluding the district court from (1) proceeding on a certain motion to reconsider, which the court is treating as the refiling of a motion for sanctions under 28 U.S.C. § 1927, and (2) instigating any action to deprive Mr. Dickson of his license to practice law. He argues that the district court's actions regarding sanctions contravene this court's mandate *in B. Willis, C.P.A., Inc. v. BNSF Railway Corp.*, 531 F.3d 1282 (10th Cir. 2008).

“A writ of prohibition is a drastic and extraordinary remedy which should be granted only when the petitioner has shown his right to the writ to be clear and undisputable and that the actions of the court were a clear abuse of discretion.” *Univ. of Tex. at Austin v. Vratil*, 96 F.3d 1337, 1339 (10th Cir. 1996) (alteration

and internal quotation marks omitted). Among the “five nonconclusive factors” examined are “the party seeking the writ must have no other adequate means to secure the relief desired” and “the petitioning party will be damaged or prejudiced in a way not correctable on appeal.” *Id.*

As Mr. Dickson acknowledges, the district court has not yet ruled on the sanctions motion; the magistrate judge has not even filed his report and recommendation. Mr. Dickson has not shown why any sanctions order that may ultimately issue may not be addressed adequately on appeal. Awards under § 1927 are generally committed to the district court’s discretion, *see, e.g., Roth v. Green*, 466 F.3d 1179, 1187 (10th Cir. 2006), and “[w]here a matter is committed to discretion, it cannot be said that a litigant’s right to a particular result is clear and indisputable,” *Allied Chem. Corp. v. Daiflon, Inc.*, 449 U.S. 33, 36 (1980). If the district court should err in construing this court’s previous opinion, in applying the law of the case, and/or in applying § 1927, any such error would be correctable on appeal. *See Roth*, 466 F.3d at 1187 (noting that an erroneous view of the law constitutes an abuse of discretion).

With regard to the alleged threat to his law license, Mr. Dickson’s request for relief rests upon a statement from another attorney that a settlement judge told the other attorney that if Mr. Dickson did not take certain actions, “Dickson’s licence to practice law was in danger.” Pet. at 11. This unsupported, double

hearsay assertion falls far short of showing that Mr. Dickson has a “clear and undisputable” right to extraordinary relief.

The petition for a writ of prohibition is DENIED.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish.

ELISABETH A. SHUMAKER, Clerk