

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 27, 2015

**Elisabeth A. Shumaker
Clerk of Court**

In re:

COREY ALLAN DONALDSON,

Petitioner.

No. 15-8015
(D.C. No. 2:14-CV-00153-ABJ)
(D. Wyo.)

ORDER

Before **HARTZ, GORSUCH, and HOLMES**, Circuit Judges.

Corey Allan Donaldson, a federal prisoner appearing pro se, has filed a petition for writ of mandamus, asking this court to direct the district court to consider and decide a number of motions he filed in connection with his motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. He has also filed a motion for leave to proceed in this matter in forma pauperis.

The district court's docket sheet shows that Mr. Donaldson filed his § 2255 motion on August 1, 2014. The court ordered the motion to be served, and the briefing was completed on December 22, 2014, when Mr. Donaldson filed his reply. Mr. Donaldson has filed a number of motions that have not yet been decided, but the court denied two of his motions and answered an objection he raised in a letter in two orders filed on September 25 and an order filed on October 8, 2014. In addition, the court promptly responded to his requests for a copy of the docket sheet on January 8, January 30, and February 23, 2015.

Mandamus is a drastic remedy “to be invoked only in extraordinary situations.” *Allied Chem. Corp. v. Daiflon, Inc.*, 449 U.S. 33, 34 (1980) (per curiam). “For mandamus to issue, there must be a clear right to the relief sought, a plainly defined and peremptory duty on the part of respondent to do the action in question, and no other adequate remedy available.” *Johnson v. Rogers*, 917 F.2d 1283, 1285 (10th Cir. 1990).

There has been no undue delay in the district court with respect to Mr. Donaldson’s outstanding motions. The motion for leave to proceed in forma pauperis is granted. The petition for writ of mandamus is denied.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written in black ink on a light blue dotted background.

ELISABETH A. SHUMAKER, Clerk