

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 6, 2016

Elisabeth A. Shumaker
Clerk of Court

In re: ROBERT ARTHUR REED,

Petitioner.

No. 16-8085
(D.C. No. 1:12-CR-00058-SWS-1)
(D. Wyo.)

ORDER

Before **TYMKOVICH**, Chief Judge, **EBEL** and **McHUGH**, Circuit Judges.

Robert Reed was convicted of conspiracy to commit mail and wire fraud and conspiracy to commit money laundering. He has filed a “Petition for Writ of Mandamus or Prohibition to Enforce the Constitutional Right to Appointment of Counsel and to Provide the Complete Appellate Record.” In his petition, he asks us to require the district court to (1) appoint him counsel in an appeal of a collateral order and (2) compel the production of the “complete appellate record.” Pet. at 1.

“[W]e will grant a writ only when the district court has acted wholly without jurisdiction or so clearly abused its discretion as to constitute usurpation of power.” *In re Cooper Tire & Rubber Co.*, 568 F.3d 1180, 1186 (10th Cir. 2009) (internal quotation marks omitted). To be entitled to the extraordinary remedy of a writ of mandamus, Mr. Reed “must have no other adequate means to attain the relief he desires”; his right to the writ must be “clear and indisputable”; and we must be satisfied that the writ is an

appropriate exercise of our discretion under the circumstances. *Id.* at 1187 (internal quotation marks omitted).

Mr. Reed's petition does not meet this high standard for mandamus relief. Accordingly, we deny the petition for a writ of mandamus. We also deny his request to proceed in forma pauperis and advise him that he is responsible for the immediate payment of his appellate filing fee of \$505.00. *See DeBardleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991) (noting that an appellant seeking leave to proceed in forma pauperis must show "the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal").

Entered for the Court

A handwritten signature in cursive script that reads "Elisabeth A. Shumaker". The signature is written in black ink and includes a long, sweeping horizontal flourish at the end.

ELISABETH A. SHUMAKER, Clerk