

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

February 8, 2018

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

In re: JORDAN SCOTT BARTON,

Petitioner.

No. 18-5001

ORDER

Before **TYMKOVICH**, Chief Judge, **HARTZ** and **BACHARACH**, Circuit Judges.

Petitioner Jordan Scott Barton seeks a writ of mandamus from this court directing that an ongoing domestic action in the Oklahoma district court for Tulsa County, No. FD-2012-3033, be transferred either to another state district court or to a federal district court. He also requests that the attorney and the GAL appointed by the state court to represent his children in the action be disqualified. Mr. Barton claims that the state court proceedings have been unfair and that the judge is biased against him. Mr. Barton also asks that we appoint him counsel and grant him leave to proceed before this court in forma pauperis, i.e., without the prepayment of costs and fees.

To obtain a writ of mandamus, Mr. Barton must show that he has no alternative remedy, that his right to the writ is clear and indisputable, and that issuing the writ is otherwise appropriate. *See United States v. Copar Pumice Co.*, 714 F.3d 1197, 1210 (10th Cir. 2013). But we have no authority to issue a writ of mandamus “to direct state courts or their judicial officers in the performance of their duties.” *Van Sickle v. Holloway*, 791 F.2d 1431, 1436 n.5 (10th Cir. 1986) (internal quotation marks omitted).

Accordingly, Mr. Barton's petition for writ of mandamus is denied, as is his requests for appointment of counsel. Mr. Barton's motion to proceed in forma pauperis in this mandamus proceeding also is denied, and he is instructed to pay the filing fee to the Clerk of this court immediately.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER, Clerk