

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

ROGER LEE CONNER, JR.,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	
	:	<b>5:17-CV-87 (MTT)</b>
GEO RIVERBEND CORRECTIONAL	:	
FACILITY, <i>et al.</i> ,	:	
	:	
Defendants.	:	
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**RECOMMENDATION**

On August 10, 2017, Plaintiff filed a letter asking that his medical file be turned over to the Court. (Doc. 10). Plaintiff alleges that the medical file would include “numerous dates and forms proving every thing [sic] [Plaintiff] did in [his] power to get medical attention and resolve the issue.” *Id.* at 1. As it appears Plaintiff seeks for the Court to compel a state official to perform an action, the Court construes Plaintiff’s letter as a petition for a writ of mandamus.

Federal courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States to perform a specific duty. 28 U.S.C. § 1361. However, “federal courts are without jurisdiction to issue writs compelling action by state courts and officials in the performance of their duties.” *Tate v. Price*, No. 2:09cv221-TMH, 2009 WL 1034965, \*2 (M.D. Ala. Apr. 16, 2009); *see also Lawrence v. Miami-Dade Cty. Attorney Office*, 272 F. App’x 781, 781 (11th Cir. 2008) (“Because the only relief Lawrence sought was a writ of mandamus compelling action from state officials, not federal officials, the district court lacked jurisdiction to grant relief and did not err in dismissing the petition.”). Thus, because Plaintiff seeks for the Court to order state officials to perform an action, the undersigned **RECOMMENDS** that Plaintiff’s request that Plaintiff’s medical file be turned over to the Court

(Doc. 10) be **DISMISSED** for lack of jurisdiction.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this recommendation, or seek an extension of time to file objections, WITHIN FOURTEEN (14) DAYS after being served with a copy thereof. The district judge shall make a de novo determination as to those portions of the Recommendation to which objection is made; all other portions of the Recommendation may be reviewed by the district judge for clear error.

The parties are hereby notified that, pursuant to Eleventh Circuit Rule 3-1, “[a] party failing to object to a magistrate judge’s findings or recommendations contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice.”

**SO RECOMMENDED**, this 15<sup>th</sup> day of November, 2017.

s/ **THOMAS Q. LANGSTAFF**  
UNITED STATES MAGISTRATE JUDGE