

# Appendix A

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**FILED**

Aug 14, 2018

DEBORAH S. HUNT, Clerk

In re: SONTAY T. SMOTHERMAN,  
Petitioner.)  
)  
)OR D E R

Before: GUY, COOK, and WHITE, Circuit Judges.

Sontay T. Smotherman petitions for a writ of mandamus, asking us to compel the district court to set aside its January 31, 2017 order, which bars him from filing further pleadings without first obtaining leave of court. Smotherman alleges that the clerk does not forward submitted documents for review and, regardless, the filing restriction unconstitutionally bars his access to the courts. He also moves to proceed *in forma pauperis*.

The remedy of mandamus is a drastic one to be invoked only in extraordinary situations where the petitioner can show a clear and indisputable right to the relief sought. *Will v. Calvert Fire Ins. Co.*, 437 U.S. 655, 661–62 (1978). Mandamus relief is not available when petitioners have “adequate alternative means to obtain the relief they seek.” *In re Am. Med. Sys., Inc.*, 75 F.3d 1069, 1078 (6th Cir. 1996) (quoting *Mallard v. U.S. Dist. Court*, 490 U.S. 296, 309 (1989)). It is also not “intended to substitute for appeal after a final judgment.” *In re Life Inv’rs Ins. Co. of Am.*, 589 F.3d 319, 323 (6th Cir. 2009) (quoting *In re Prof’ls Direct Ins. Co.*, 578 F.3d 432, 437 (6th Cir. 2009)). Other than his conclusory allegations, Smotherman offers no support for his allegation that the district court clerk is not forwarding documents for review to the district court. And, critically, we affirmed Smotherman’s appeal of the filing restrictions. *United States v. Smotherman*, No. 17-3374 (6th Cir. Dec. 4, 2017) (Order). Because Smotherman had and pursued

his adequate alternative remedies for challenging the imposition of filing restrictions, he has not shown a clear and indisputable right to the relief sought.

The mandamus petition is **DENIED** and the motion to proceed *in forma pauperis* is **DENIED AS MOOT**.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

# Appendix B

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**United States of America,**

**Plaintiff,  
v.**

**Case No. 2:12-cr-055(3)  
Judge Michael H. Watson**

**Sontay T. Smotherman,**

**Defendant.**

**ORDER**

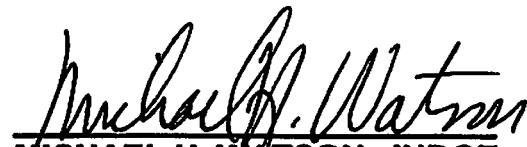
In September of 2013, a jury convicted Sontay Smotherman ("Defendant") of possession with intent to distribute heroin. The Sixth Circuit affirmed Defendant's conviction following his appeal, ECF No. 266, and the United States Supreme Court denied Defendant's petition for writ of certiorari, ECF No. 399.

This Court has addressed numerous post-trial motions filed by Defendant. The Court has, on multiple occasions, construed one of Defendant's filings to be a motion for a new trial and denied the same. Nevertheless, Defendant continues to file documents asking for a new trial or other miscellaneous relief.

Pursuant to the Court's inherent authority and 28 U.S.C. § 1651, the Court **DIRECTS** the Clerk to refuse any additional filings from Defendant and to instead forward such documents to the Undersigned for review. No additional filings will be reflected on the docket unless and until the Undersigned determines that any new issue or claim is being raised.

Finally, the Court notes that the two pending motions in this case, ECF Nos. 402 and 404, do not raise any claims or arguments that have not already been addressed. The Court accordingly **DENIES** those motions and **DIRECTS** the Clerk to terminate those motions from the Court's pending motions list.

**IT IS SO ORDERED.**



MICHAEL H. WATSON  
MICHAEL H. WATSON, JUDGE  
United States District Court