

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-20591



In re: ROY WILLIAMS,

Petitioner

A True Copy
Certified order issued Feb 15, 2019

Jyle W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

Petition for a Writ of Mandamus to the
United States District Court for the
Southern District of Texas

Before REAVLEY, ELROD, and OLDHAM, Circuit Judges.

PER CURIAM:

Roy Williams, Texas prisoner # 828343, has filed in this court a pro se petition for a writ of mandamus and a motion requesting leave to file his mandamus petition in forma pauperis (IFP). The motion for leave to proceed IFP is GRANTED.

In his petition, Williams challenges the 2002 dismissal of his 28 U.S.C. § 2254 petition, asserting various errors in the district court's analysis of his claims. However, this court denied Williams a certificate of appealability to appeal that dismissal in August 2002. *Williams v. Cockrell*, No. 02-20310 (5th Cir. Aug. 14, 2002). Since that time, the district court has denied Williams's repeated motions seeking to reopen or reconsider the initial dismissal, and this court has denied three COAs challenging those rulings. *See, e.g., Williams v. Thaler*, No. 09-20591 (5th Cir. Mar. 15, 2010); *Williams v. Thaler*, No. 12-20161 (5th Cir. Aug. 2, 2012); *Williams v. Stephens*, No. 14-20023 (5th Cir. Dec. 10, 2014).

No. 18-20591

On August 1, 2018, the district court entered an order denying Williams's most recent motion to reopen his case. Williams filed a notice of appeal and currently has a COA motion pending before this court in *Williams v. Davis*, No. 18-20573. In this separate but related docket, he additionally seeks mandamus.

"Mandamus is an extraordinary remedy that should be granted only in the clearest and most compelling cases." *In re Willy*, 831 F.2d 545, 549 (5th Cir. 1987). A party seeking mandamus relief must show both that he has no other adequate means to obtain the requested relief and that he has a "clear and indisputable" right to the writ. *Id.* (internal quotation marks and citation omitted). Mandamus is not a substitute for appeal. *Id.* "Where an interest can be vindicated through direct appeal after a final judgment, this court will ordinarily not grant a writ of mandamus." *Campanioni v. Barr*, 962 F.2d 461, 464 (5th Cir. 1992). Williams has previously exercised his appellate remedy more than once, although unsuccessfully. Mandamus relief is not available.

The petition for a writ of mandamus is DENIED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-20591

In re: ROY WILLIAMS,

Petitioner

Petition for a Writ of Mandamus
to the United States District Court for the
Southern District of Texas

ON PETITION FOR REHEARING EN BANC

Before REAVLEY, ELROD, and OLDHAM, Circuit Judges.

PER CURIAM:

(V) Treating the Petition for Rehearing En Banc as a Motion for Reconsideration, the Motion for Reconsideration is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

() Treating the Petition for Rehearing En Banc as a Motion for Reconsideration, the Motion for Reconsideration is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

Jennifer W. Elcock
UNITED STATES CIRCUIT JUDGE