

16 United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-5387

September Term, 2017

1:16-MC-01694-UNA

Filed On: May 14, 2018

In re: Dee Deidre Farmer,

Petitioner

BEFORE: Griffith, Srinivasan, and Pillard, Circuit Judges

ORDER

Upon consideration of the petition for writ of mandamus, the motion for leave to file a memorandum in support thereof, and the lodged memorandum; the motion for leave to proceed in forma pauperis; the motion for leave to proceed through Noleola Randall as next friend; and the motion to appoint counsel, the motion for leave to file expert affidavits in support thereof, and the attached affidavits, it is

ORDERED that the motion to proceed in forma pauperis be granted. It is

FURTHER ORDERED that the motions for leave to file a memorandum in support of the mandamus petition and expert affidavits in support of the motion to appoint counsel be granted. The Clerk is directed to file the lodged memorandum and affidavits. It is

FURTHER ORDERED that the motion for leave to proceed by next friend be granted. It is

FURTHER ORDERED that the motion to appoint counsel be denied. In civil cases, petitioners are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. It is

FURTHER ORDERED that the petition for writ of mandamus be dismissed for lack of jurisdiction. The physical or electronic transfer of the case file to a permissible forum deprives this court of jurisdiction to review the transfer. See In re Asemani, 455 F.3d 296, 299-301 (D.C. Cir. 2006); Starnes v. McGuire, 512 F.2d 918, 924 (D.C. Cir. 1974) (en banc). Petitioner has not demonstrated that the Eastern District of North Carolina was an impermissible transferee forum, and the electronic transfer of her case

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to that district on October 27, 2016, therefore deprives this court of jurisdiction over the present mandamus petition.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

By: /s/
Robert J. Cavello
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-5387

September Term, 2018

1:16-MC-01694-UNA

Filed On: September 7, 2018

In re: Dee Deidre Farmer,

Petitioner

BEFORE: Griffith, Srinivasan, and Pillard, Circuit Judges

ORDER

Upon consideration of the petition for rehearing, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-5387

September Term, 2018

1:16-MC-01694-UNA

Filed On: September 7, 2018

In re: Dee Deidre Farmer,

Petitioner

BEFORE: Garland, Chief Judge, and Henderson, Rogers, Tatel, Griffith,
Kavanaugh, Srinivasan, Millett, Pillard, Wilkins, and Katsas, Circuit
Judges

ORDER

Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk

* Circuit Judge Kavanaugh did not participate in this matter.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-5387

September Term, 2018

1:16-MC-01694-UNA

Filed On: October 12, 2018

In re: Dee Deidre Farmer,

Petitioner

ORDER

Upon consideration of petitioner's motion to stay the mandate pending the filing and disposition of a petition for writ of certiorari, it is

ORDERED that the motion be dismissed as moot. See D.C. Cir. Rule 41(a)(3) (no mandate issues in connection with an order that grants or denies a writ of mandamus, but the order becomes effective automatically 21 days after issuance).

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk