

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-11453



A True Copy
Certified order issued Apr 10, 2019

Styfe W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

In re: LYNN TAYLOR,

Petitioner

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

Before ELROD, GRAVES, and OLDHAM, Circuit Judges.

PER CURIAM:

Lynn Taylor, Texas prisoner # 320982, has filed a *pro se* document styled as a petition for a writ of mandamus, as well as a motion requesting leave to file that petition *in forma pauperis*. The motion for leave to file the petition *in forma pauperis* is GRANTED.

Taylor's filing relates to an alleged Federal Rule of Civil Procedure 60 motion that he filed following dismissal of his 28 U.S.C. § 2254 habeas petition. *See Taylor v. Stephens*, No. 14-11287 (5th Cir. Mar. 4, 2016) (single-judge order). The district court determined that the alleged Rule 60 motion was actually an unauthorized successive habeas petition and transferred it to this court. We rejected Taylor's arguments that the district court misconstrued his motion and we denied authorization to file a successive habeas application. *In re Taylor*, No. 17-11000 (5th Cir. Jan. 16, 2018).

In the instant filing, Taylor again contends that the district court misconstrued his alleged Rule 60 motion as a successive habeas petition and

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improperly transferred it to this court. Liberally construed, Taylor appears to be asking this court to issue a writ of mandamus compelling ourselves to reverse our earlier decision and send the alleged Rule 60 motion back to the district court for adjudication.

Mandamus is an “extraordinary remedy” and not a substitute for appeal. *In re Willy*, 831 F.2d 545, 549 (5th Cir. 1987). “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). Taylor may not avail himself of the extraordinary remedy of mandamus here.

The petition for a writ of mandamus is DENIED.