

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5265

September Term, 2019

5:95-HC-395-BO

Filed On: January 22, 2020

In re: Levon Spaulding,

Petitioner

BEFORE: Henderson and Katsas, Circuit Judges, and Sentelle, Senior Circuit Judge

ORDER

Upon consideration of the motion to proceed in forma pauperis, the motion to appoint counsel, the petition for writ of mandamus and the supplement thereto, the motion to extend time, the motion for discovery, the motion to change venue, the motion to compel counsel to turn over case files, and the motion to order designation of the record, it is

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

FURTHER ORDERED that the motion to appoint counsel be denied. It is

FURTHER ORDERED that the petition for writ of mandamus be denied. Petitioner has not shown that he has a "clear and indisputable right" to the relief requested. See Gulfstream Aerospace Corp. v. Mayacamas Corp., 485 U.S. 271, 289 (1988). Insofar as petitioner seeks to challenge his state court conviction, such an application must be made to the appropriate district court. This court lacks jurisdiction to entertain an original petition for a writ of habeas corpus. See Fed. R. App. P. 22(a); Felker v. Turpin, 518 U.S. 651, 660-61 (1996). Insofar as he seeks to appeal the U.S. District Court for the Eastern District of North Carolina's denial of two prior habeas petitions, this court lacks appellate jurisdiction over decisions of that court. See 28 U.S.C. § 2253(a) ("In a habeas corpus proceeding . . . before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held."). It is

FURTHER ORDERED that the motion to extend time be denied. It is

APPENDIX - A

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5265

September Term, 2019

FURTHER ORDERED that the motion for discovery be denied. Petitioner has failed to demonstrate that discovery is warranted in this case. It is

FURTHER ORDERED that the motions to change venue and to compel counsel to turn over case files be denied. Because this court lacks jurisdiction over petitioner's challenges to his state criminal conviction and the dismissal of his prior habeas actions in the Eastern District of North Carolina, it lacks authority to grant the relief requested in these motions. It is

FURTHER ORDERED that the motion to order designation of the record be dismissed as moot.

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

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Manuel J. Castro
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5265

September Term, 2019

5:95-HC-395-BO

Filed On: October 3, 2019 [1809199]

In re: Levon Spaulding,

Petitioner

ORDER

Because the docketing fee in this case has not been paid, it is

ORDERED, on the court's own motion, that by November 4, 2019, petitioner either pay the \$500 docketing fee to the Clerk, U.S. Court of Appeals for the District of Columbia Circuit, or file with this court a motion for leave to proceed on appeal in forma pauperis. See Enclosure.

A request for appointment of counsel does not relieve petitioner of the obligation to file responses to any motion filed by respondent or to comply with any order issued by the court, including a briefing schedule. Failure by petitioner to respond to a dispositive motion or comply with any order of the court, including this order, will result in dismissal of the case for lack of prosecution. See D.C. Cir. Rule 38.

The Clerk is directed to send a copy of this order to petitioner by whatever means necessary to ensure receipt.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Lynda M. Flippin
Deputy Clerk

APPENDIX- B