

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 10, 2023

Lyle W. Cayce
Clerk

No. 23-40420

IN RE REIDIE JAMES JACKSON,

Petitioner.

Petition for Writ of Mandamus to the
United States District Court
for the Eastern District of Texas
USDC No. 5:21-CV-149

UNPUBLISHED ORDER

Before JONES, HIGGINSON, and HO, *Circuit Judges*.

PER CURIAM:

Reidie James Jackson, Texas prisoner # 1164177, 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 mandamus petition, Jackson complains of delay in the district court's adjudication of his 28 U.S.C. § 2254 application. He asserts that he has a right to a prompt disposition of his application, but the case has been pending for over 18 months and the district court thus has a duty to adjudicate his case.

"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 a possible remedy when the district court has unduly delayed in ruling on a case. *See Will v. Calvert Fire Ins. Co.*, 437 U.S. 655, 661-62 (1978). However, Jackson’s § 2254 application has been referred to a magistrate judge. In expanding the duties of magistrate judges under 28 U.S.C. § 636(b), “Congress made clear that . . . the magistrate [judge] acts subsidiary to and only in aid of the district court. Thereafter, the entire process takes place under the district court’s total control and jurisdiction.” *United States v. Raddatz*, 447 U.S. 667, 681 (1980). Thus, this court neither monitors nor supervises the work of United States magistrate judges to whom cases are referred under § 636(b). Complaints about the magistrate judge’s handling of a case ordinarily should be directed to the district court judge.

In any event, although there has been some delay in Jackson’s case, actions have been taken in the proceedings. Jackson has filed two motions to amend his § 2254 application, which have been granted. Moreover, the magistrate judge is aware of the delay. After receiving notice of the filing of the instant petition for a writ of mandamus, the magistrate judge issued a show cause order on July 18, 2023, requiring a response to Jackson’s amended application. An attorney has appeared on behalf of the respondents. Accordingly, the petition for a writ of mandamus is DENIED, without prejudice to Jackson’s reinstating it if the district court or magistrate judge has not ruled on his application within 180 days of the date of this order.

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from this filing is
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