

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5284

September Term, 2024

1:24-cv-02362-UNA

Filed On: June 4, 2025

Okechukwu Amadi,

Appellant

v.

Pamela Bondi, Attorney General, et al.,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Pillard, Katsas, and Rao, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing and the motion to appoint counsel, it is

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

FURTHER ORDERED AND ADJUDGED that the district court's November 22, 2024 order be affirmed. The district court correctly concluded that appellant had shown neither a clear right to relief nor that the U.S. Department of Justice had a clear duty to act. See *Row 1 Inc. v. Becerra*, 92 F.4th 1138, 1149 (D.C. Cir. 2024). Contrary to appellant's assertions on appeal, 28 U.S.C. § 535 states only that the Attorney General *may* investigate government officials for alleged violations of criminal law and therefore does not establish a clear duty to act. And the Supreme Court's decision in Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024), is not relevant to this case.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Daniel J. Reidy

Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

OKECHUKWU DESMOND AMADI,

Petitioner,

v.

UNITED STATES OF AMERICA, *et al.*,

Respondents.

Civil Action No. 24-2362 (UNA)

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Okechukwu Amadi's application to proceed *in forma pauperis* (ECF No. 2) and his *pro se* petition for a writ of mandamus (ECF No. 1). The Court GRANTS the application and, for the reasons discussed below, DENIES the petition.

According to Petitioner, there were "multiple instances of violations of clear violation of [his] civil rights occurring across multi-jurisdictional boundaries, where the actions and omissions of Government officials, Government officers, attorneys, and other individuals," Pet. at 4, during the prosecution of the criminal case against him in the United States District Court for the Middle District of Florida, *see generally id.*, Ex. 1 (ECF No. 1-1). He submitted a complaint to the Civil Rights Division of the United States Department of Justice ("DOJ"), *id.* at 5, asking that the DOJ investigate his allegations of jury misconduct, violations of rights protected under the Sixth and Fourteenth Amendments to the United States Constitution, and other irregularities at trial, *see id.*, Ex. 1. The Civil Rights Division declined to take any action,

id. at 6; *see id.*, Ex. 2 (ECF No. 1-2), and as of the date he filed his mandamus petition, Petitioner had not received a decision on his appeal to the Office of Information Policy. *See id.* at 6-7.

In this action, Petitioner demands a writ of mandamus compelling Respondents “to initiate the launch of an independent investigation into Petitioner’s complaint[.]” Pet. at 17. In the alternative, Petitioner asks this Court “to appoint an independent investigator to launch an investigation into [his] complaint.” *Id.*

A writ of mandamus “compel[s] an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361. “Few legal standards are more exacting than the requirements for invoking mandamus jurisdiction under § 1361.” *Illinois v. Ferriero*, 60 F.4th 704, 714 (D.C. Cir. 2023). “[M]andamus is ‘drastic’; it is available only in ‘extraordinary situations.’” *In re Cheney*, 406 F.3d 723, 729 (D.C. Cir. 2005) (citations omitted). Only if “(1) the plaintiff has a clear right to relief; (2) the defendant has a clear duty to act; and (3) there is no other adequate remedy available to the plaintiff,” *Thomas v. Holder*, 750 F.3d 899, 903 (D.C. Cir. 2014); *see Council of and for the Blind of Delaware County Valley v. Regan*, 709 F.2d 1521, 1533 (D.C. Cir. 1983) (en banc), is mandamus relief granted.

“The decision whether and when to investigate a particular matter is quintessentially discretionary,” *Gage v. U.S. Attorney General*, No. 22-cv-0283, 2022 WL 602451, at *1 (D.D.C. Feb. 28, 2022), and “courts cannot compel the executive branch to initiate an investigation because such decisions are ‘generally committed to an agency’s absolute discretion,’” *Sherven v. U.S. Office of Special Counsel*, No. 23-cv-0754, 2023 WL 2954440, at *1 (D.D.C. Apr. 12, 2023) (quoting *Heckler v. Chaney*, 470 U.S. 821, 831 (1985)). “Mandamus will not lie to control the exercise of this discretion[.]” *Powell v. Katzenbach*, 359 F.2d 234, 234 (D.C. Cir. 1965); *see*

Small Bus. in Transportation Coal. v. U.S. Dep't of Transportation, No. 20-cv-0883, 2020 WL 4732099, at *2 (D.D.C. Aug. 14, 2020) (noting that, ordinarily, “courts will not grant an individual’s request to mandamus a law enforcement agency . . . to engage in an investigation”). Petitioner has not and “cannot establish that he is entitled by right to . . . an investigation or that [the Attorney General] has a clear nondiscretionary duty to investigate.” *Ning Ye v. Holder*, 624 F. Supp. 2d 121, 123 (D.D.C. 2009); *see also Schlesinger v. Mukasey*, No. 08-cv-1668, 2009 WL 530350, at *1 (D.D.C. Mar. 3, 2009) (dismissing complaint seeking to compel investigation into alleged “obstruction of justice, perjury, witness tampering and [subornation] of perjury” in plaintiff’s criminal prosecution). Accordingly, the Court DENIES the petition. It is hereby

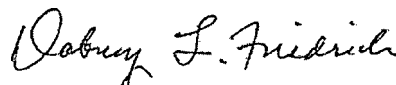
ORDERED that Petitioner’s application to proceed *in forma pauperis* [2] is GRANTED;
it is

FURTHER ORDERED that the petition for a writ of mandamus [1] is DENIED; and it is
FURTHER ORDERED that this civil action is DISMISSED WITHOUT PREJUDICE.

This is a final appealable Order.

The Clerk of Court shall TERMINATE this case.

SO ORDERED.


DABNEY L. FRIEDRICH
United States District Judge

DATE: November 22, 2024

**Additional material
from this filing is
available in the
Clerk's Office.**