

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<hr/>		)
MONROE L. COLEMAN-BEY		)
#01723-016		)
U.S. Penitentiary		)
P.O. Box 12015		)
Terre Haute, IN 47801		)
		)
		)
Plaintiff,		)
		)
v.		)
		)
United States of America		)
		)
Defendant.		)
<hr/>		)

Civil Action No.: 06-\_\_\_\_\_

**NOTICE OF REMOVAL OF A CIVIL ACTION**

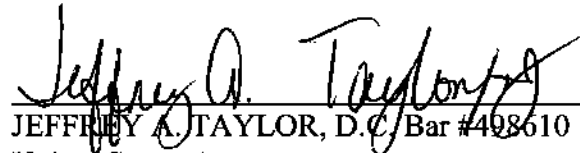
The United States Attorney General, through the undersigned attorneys, hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1441, 1442, 1446 and 1346. In support of that notice, the Attorney General states as follows:

1. The United States of America is the defendant in the civil action styled *Monroe L. Coleman-Bey v. United States of America*, now pending in the Superior Court of the District of Columbia, Case No. 06 CNC 2327.
2. The above-entitled action was filed on or around October 13, 2006, and a copy of the complaint is attached hereto as Exhibit A. The action has not yet proceeded to trial.
3. Plaintiff's complaint seeks the issuance of a Writ of Mandamus, pursuant to 28 U.S.C. §1651(a), compelling the Federal Bureau of Prisons to provide him with medication.
4. Plaintiff's claim is one for which the District Court has original jurisdiction, because


the suit is against the United States government, and therefore removal is authorized by 28 U.S.C. §§ 1441(a) and 1442.

WHEREFORE, this action now pending in the Superior Court of the District of Columbia is properly removed to this Court pursuant to 28 U.S.C. §§ 1441, 1442, 1346, 1446.

Respectfully submitted,

  
\_\_\_\_\_  
JEFFREY A. TAYLOR, D.C. Bar #498610  
United States Attorney

  
\_\_\_\_\_  
RUDOLPH CONTRERAS, D.C. Bar #434122  
Assistant United States Attorney

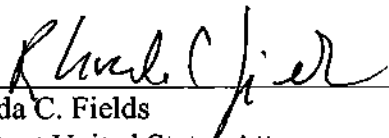
  
\_\_\_\_\_  
RHONDA C. FIELDS  
Assistant United States Attorney  
Civil Division  
555 Fourth Street, N.W.  
Washington, D.C. 20530

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that service of the foregoing Notice of Removal of a Civil Matter has been made by mailing a copy thereof to:

MONROE L. COLEMAN-BEY  
#01723-016  
U.S. Penitentiary  
P.O. Box 12015  
Terre Haute, IN 47801

on this 31th day of October, 2006

  
\_\_\_\_\_  
Rhonda C. Fields  
Assistant United States Attorney

*Madlyn*

CLERK OF  
SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA  
SPECIAL PROCEEDING BR

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
SPECIAL PROCEEDINGS DIVISION**

2006 OCT 18 P 2: 06

*AM*

**FILED**

**MONROE L. COLEMAN-BEY**  
Petitioner

v.

Case No. 06 CNC 2327


**UNITED STATES OF AMERICA, et al.**  
Respondent

**ORDER**

On October 13, 2006, the Court received a Petition for Writ of Mandamus filed by Petitioner herein. No Certificate of Service is appended thereto and it is not clear whether or not the respondent listed in the pleading as United States of America, et al. has been served. Therefore, a copy of that Petition, along with the Court's order, is being forwarded to the United States Attorney for the District of Columbia for a reply. The same is to be filed with this Court by October 27, 2006.

**SO ORDERED.**

**Dated: October 17, 2006**



**Judge Bruce S. Mencher**  
(Signed in Chambers)

cc: Monroe L. Coleman-Bey  
#01723-016  
U.S. Penitentiary  
P.O. Box 12015  
Terre Haute, IN 47801

United States Attorney's Office  
Special Proceedings Division  
10<sup>th</sup> Floor  
555 Fourth Street, N.W.  
Washington, D.C. 20530

**A TRUE COPY**  
**TEST: OCT 18 2006**

Clerk Superior Court of the  
District of Columbia  
by: *[Signature]*  
Deputy Clerk

RECEIVED  
OCT 13 2006

FILED

OCT 13 2006

D.C. SUPERIOR COURT  
SPECIAL PROCEEDINGS DIVISION  
WASHINGTON, D.C.

CHAMBERS OF  
JUDGE JOHN M. CAMPBELL

MONROE L. COLEMAN-BEY,  
Petitioner,

06 ENC 2327

v.

Criminal Case No. F1258-85  
Former Trial Judge: B.S. Mencher  
Present Judge: John M. Campbell

UNITED STATES OF AMERICA, et al.  
Respondent.

PETITION FOR WRIT OF MANDAMUS

NOW COMES Petitioner, Monroe L. Coleman-Bey, pro se, pursuant to Title 28 U.S.C. §1651(a), and respectfully moves this Honorable Court to issue a Writ of Mandamus compelling the Federal Bureau of Prisons officials to provide petitioner with the necessary medication for Hepatitis C treatment.

JURISDICTION

18 U.S.C. Section 3553(d)  
18 SECTIONS 4041 and 18 4042(a)(2)  
28 U.S.C. SECTION 1651(a)

HISTORY OF CASE

The petitioner was tried, convicted, and sentenced to 44 years to Life in the D.C. Superior Court during and in 1985-1986, in Criminal Case No. F-1258-85.

The petitioner was transferred to the Bureau of Prisons ("BOP") based on the closing of the D.C. Department of Corrections via The Self-Improvement National Capitalization Act of 1997. Since petitioner arrival to the BOP he has been diagnosed as a carrier of the hepatitis C disease.

#### SUPPORTING FACTS

1. Bureau of Prisons officials have intentionally denied denied and refused to provide this prisoner with necessary medication to prevent if possible future sickness due to Hepatitis C disease.

Based on deliberate indifference committed by BOP officials it seems that they are intentionally depriving defendant of this requested medication because they care less about his health. See *Priest v. Cupp*, 545 P.2d 917 (Or. Ct. App. 1976). In *Priest v. Cupp*, supra, the court explained \* \* \* what is required is that the inmate be afforded such medical care, in the form of diagnosis and treatment, as is reasonably available under the circumstances of his confinement and medical condition. See also general standards of the American Correctional Association relating to medical services for prisoners; the adequate treatment for the chronically ill. See *Gates v. Collier*, 501 F.2d 1291 (5th Cir. 1974); *Boyce v. Alizadur*, 595 F.2d 948 (4th Cir. 1979); *Shepard v. Stidham*, 502 F. Supp. 1275 (M.D. Ala., 1980).

2. Cruel And Unusual Punishment - A two Prong Test.

Petitioner first must show that the alleged deprivation is sufficiently serious to be considered cruel and unusual. *Pryor-EI v. Kelly*, 892 F. Supp. 261,266 (D.D.C. 1995). Second, petitioner must show that he was deprived of humane conditions because BOP officials knowingly disregarded "an excessive risk to inmate health or safety." *Farmer*, 511 U.S. at 837. A respondent-defendant "must both be aware of [the] facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference." See *Cox v. District of Columbia*, 834 F. Supp. 439,444 (D.D.C. 1992).

Petitioner makes known to prison officials that such illness causes over-sleeping, hostile attitude, worrying, contemplating early death, sometimes suicidal thoughts, unable to speak on the reactions caused by having the disease, and lack of exercise or the drive to exercise.

3. Petitioner denied a right secured to him by either the Constitution and/or a specific federal statute.

A federal right does exist. This inmate has a federally protected right to health care which is a violation of Eighth Amendment rights when there is an intentional denial of needed medical care, or when a prison official's conduct indicates deliberate indifference to the medical needs of inmates. See, *Priest v. Cupp*, supra, 545 P.2d 917; (a) protection of an inmate's life and health

from administrative action. See *Hoitt v. Vitek*, 497 F.2d 598 (1st Cir. 1974); *Runnels v. Rosendale*, 499 F.2d 733 (9th Cir. 1974); *Johnson v. Harris*, 479 F. Supp. 333 (S.D.N.Y. 1979); and (b) right to free from the infliction of cruel and unusual punishments as guaranteed by the Eighth Amendment. *Bishop v. Stoneman*, 508 F.2d 1224 (2d Cir. 1974); *Russell v. Shefter*, 528 F.2d 318 (4th Cir. 1975). See comment, *The Eighth Amendment; medical treatment of prisoners as Cruel and Unusual Punishment*, 1 CAP. U.L. REV 83 (1972). *Estelle v. Gamble*, 429 U.S. 97 (1976); *Barks v. Teasdale*, 492 F. Supp. 650 (W.D. MO. 1980); *Hampton v. Holmes Prison officials*, 546 F.2d 1077 (3d Cir. 1976); *Kelsey v. Ewing*, 652 F.2d 4 (8th Cir. 1981); *Inmates of Allegheny County Jail v. Pierce*, 612 F.2d 754 (3d Cir. 1979); *Duncan v. Duckworth*, 644 F.2d 653 (7th Cir. 1981).

Violation of Eighth Amendment rights has been found when there is an intentional denial of needed medical care [18 U.S.C. §§ 4041 and 4042(a)(2) Duties-Bureau of Prisons, officials exceeding its own Statutory Intent], or when a prison official's conduct indicates deliberate indifference to the medical needs of inmates.

#### ARGUMENT

4. 28 U.S.C. § 1671(a) provides:

"...all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and



principles of law."

5. The extraordinary remedy of mandamus traditionally lies within the Court's discretion, All Writs Statute, 28 U.S.C. § 1651(a)(1988), which provides:

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. However, this court has both inherent and statutory authority to issue the writs.

With hope that this Honorable Court will make known to BOP officials that they have exceeded the Bureau of Prisons statutory intent established by U.S.C. 18 Sections 4041 and 4042(a)(2). And petitioner submits that it is appropriate for the Superior Court here to exercise that discretion to compel the Federal Bureau of Prisons to provide the petitioner with the needed hepatitis C medication as soon as possible if not immediately on or before 2007.

6. Petitioner has exhausted his administrative remedy which is pending before the Director's office of the Bureau of Prisons located at 320 First Street, N.W., Washington, D.C. 20305, which the complaint is founded on deliberate indifference \* \* \*.

#### RELIEF

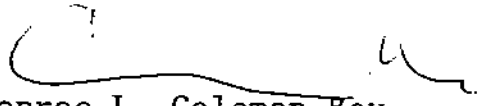
Petitioner seeks an order compelling the respondents to provide

petitioner with the necessary hepatitis c medication and/or any other relief this Court's deems just.

WHEREFORE, all premises considered, petitioner prays that the foregoing petition is granted and a writ of mandamus be issued immediately forthwith to prevent if possible future sickness due to Hepatitis C request or need for medication.

Dated: October 6th, 2006

Respectfully submitted,



Monroe L. Coleman-Bey  
Fed. # 01723-016  
DCDC 188-568  
US Penitentiary  
P.O. Box 12015  
Terre Haute, IN 47801

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Special Proceedings Division

MONROE L. COLEMAN-BEY	)	
	)	
v.	)	Case No. 06 CNC 2327
	)	
UNITED STATES OF AMERICA, et al.	)	Judge John M. Campbell
	)	
Defendant,	)	
_____	)	

**NOTICE OF FILING OF NOTICE OF REMOVAL OF A CIVIL MATTER**


To: MONROE L. COLEMAN-BEY  
#01723-016  
U.S. Penitentiary  
P.O. Box 12015  
Terre Haute, IN 47801

PLEASE TAKE NOTE that on October 30, 2006, the United States of America, the named defendant in this matter, filed with the Clerk of the United States District Court for the District of Columbia a Notice of Removal of the above captioned case, pursuant to 28 U.S.C. §§ 1441, 1442, 1446 and 1346.


The Superior Court of the District of Columbia "shall proceed no further unless and until

the [matter] is remanded.” See 28 U.S.C. § 1446(d). A copy of the Notice of Removal is attached hereto.

Respectfully submitted,

  
\_\_\_\_\_  
JEFFREY A. TAYLOR, D.C. Bar #498610  
United States Attorney

  
\_\_\_\_\_  
RUDOLPH CONTRERAS, D.C. Bar #434122  
Assistant United States Attorney

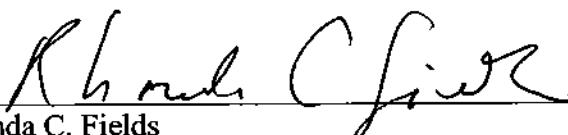
  
\_\_\_\_\_  
RHONDA C. FIELDS  
Assistant United States Attorney  
Civil Division  
555 Fourth Street, N.W.  
Washington, D.C. 20530  
202/514/6970

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that service of the foregoing Notice of Filing of Notice of Removal of a Subpoena Matter has been made by mailing a copy thereof to:

MONROE L. COLEMAN-BEY  
#01723-016  
U.S. Penitentiary  
P.O. Box 12015  
Terre Haute, IN 47801

on this 31st day of October, 2006

  
\_\_\_\_\_  
Rhonda C. Fields  
Assistant United States Attorney

**CIVIL COVER SHEET**

JS-44  
(Rev. 2/01 DC)

<p><b>I (a) PLAINTIFFS</b></p> <p><b>MONROE L. COLEMAN-BEY</b></p> <hr/> <p><b>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF</b> <u>Terra Haute, IN</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p><b>DEFENDANTS</b></p> <p><b>UNITED STATES OF AMERICA</b></p> <hr/> <p><b>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT</b> _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p><small>NOTE: In land condemnation cases, use the location of the tract of land involved.</small></p>
<p><b>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)</b></p> <p>MONROE L. COLEMAN-BEY, Pro Se #01723-016 U.S. Penitentiary P.O. Box 12015 Terra Haute, IN 47801</p>	<p><b>ATTORNEYS (IF KNOWN)</b></p> <p>RHONDA G. FIELDS Assistant United States Attorney Civil Division 555 Fourth Street, N.W. Washington, D.C. 20530 2025146970</p>

<p><b>II BASIS OF JURISDICTION</b> (SELECT ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant</p> <p><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p><b>III CITIZENSHIP OF PRINCIPAL PARTIES</b> (SELECT ONE FOR PLAINTIFF AND ONE FOR DEFENDANT) (FOR DIVERSITY CASES ONLY?)</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

**IV. CASE ASSIGNMENT AND NATURE OF SUIT**  
(Select one category, A-N, that best represents your cause of action and one in a corresponding Nature of Suit)

<p><input type="radio"/> <b>A. Antitrust</b></p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input checked="" type="radio"/> <b>B. Personal Injury/Malpractice</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> <b>C. Administrative Agency Review</b></p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security:</u></p> <p><input type="checkbox"/> 861 HIA ((1395ff))</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b></p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p><i>*(If Antitrust, then A governs)*</i></p>
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<p><input checked="" type="radio"/> <b>E. General Civil (Other)</b>    OR    <input type="radio"/> <b>F. Pro Se General Civil</b></p>			
<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease &amp; Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input checked="" type="checkbox"/> 540 Mandamus &amp; Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p>	<p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food &amp; Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 RR &amp; Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>	<p><u>Other Statutes</u></p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks &amp; Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced &amp; Corrupt Organizations</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 900 Appeal of fee determination under equal access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>

<input type="radio"/> <b>G. Habeas Corpus/2255</b>  <input type="checkbox"/> 530 Habeas Corpus-General <input type="checkbox"/> 510 Motion/Vacate Sentence	<input type="radio"/> <b>H. Employment Discrimination</b>  <input type="checkbox"/> 442 Civil Rights-Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  *(If pro se, select this deck)*	<input type="radio"/> <b>I. FOIA/PRIVACY ACT</b>  <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="radio"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="radio"/> <b>M. Contract</b>  <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability	<input type="radio"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights-Voting (if Voting Rights Act)

**V. ORIGIN**

- 1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multi district Litigation  
  7 Appeal to District Judge from Mag. Judge

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**

Prisoner writ of Mandamus pursuant to 28 U.S.C. 1651(a). removed pursuant to 28 USC 1441, 1442, 1446, and 1346

**VII. REQUESTED IN COMPLAINT**      CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23       DEMAND \$ \_\_\_\_\_      Select YES only if demanded in complaint      JURY DEMAND:  YES  NO

**VIII. RELATED CASE(S) (See instruction) IF ANY**       YES       NO      If yes, please complete related case form.

DATE 10-30-06      SIGNATURE OF ATTORNEY OF RECORD *Richard JD*

**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff is resident of Washington, D.C.; 88888 if plaintiff is resident of the United States but not of Washington, D.C., and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of case.
- VI. CAUSE OF ACTION: Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASES, IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.