IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GERALD A. WILMER,	:	
Petitioner,	:	
v.	:	C.A. No. 13-1059-RGA
DELAWARE SUPREME COURT, et al,	:	
Respondents.	:	

MEMORANDUM

Whereas, Gerald A. Wilmer ("Wilmer") has filed a "motion for leave to proceed *in forma pauperis*" (D.I. 3) and a petition for writ of mandamus pursuant to 28 U.S.C. § 1361. (D.I. 1) Wilmer's mandamus petition asks this court to compel the Delaware Supreme Court to respond to his certification of law request (related to his state Rule 61 proceeding) that it refused to act upon. (D.I. 1 at 5) However, this court cannot compel the Delaware Supreme Court to certify Wilmer's question(s) of law, because 28 U.S.C. § 1361 does not grant this court mandamus jurisdiction over a Delaware state court. *See* 28 U.S.C. § 1361 (the district courts have "original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."); *In re Wolenski*, 324 F.2d 309 (3d Cir. 1963)(explaining that the district court "had no jurisdiction" to "issue a writ of mandamus compelling action by a state official"). As such, the court will enter a separate order dismissing the instant mandamus petition for lack of jurisdiction.

10-1-13
DATE

Richard G. Andrews
UNITED STATES DISTRICT JUDGE