

November 15, 2010

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

FOR THE TENTH CIRCUIT

In re:

PAUL MAAS RISENHOOVER,

Petitioner.

No. 10-6256
(D.C. No. 5:10-CV-01186-M)
(W.D. Okla.)

ORDER

Before **BRISCOE**, Chief Judge, **TYMKOVICH**, and **HOLMES**, Circuit Judges.

Paul Maas Risenhoover seeks a writ of mandamus ordering the district court to allow him to appear, by telephone from his residence in Taiwan, at a preliminary injunction hearing scheduled for November 22, 2010.

Dr. Risenhoover is not a party to the proceeding, but alleges that he is injured by the Oklahoma constitutional amendment that is the subject of the hearing. He further states that the district court denied his request to appear by telephone at a November 8, 2010, hearing on a temporary restraining order.

“[A] writ of mandamus is a drastic remedy, and is to be invoked only in extraordinary circumstances.” *In re Cooper Tire & Rubber Co.*, 568 F.3d 1180, 1186 (10th Cir. 2009) (quotations omitted). “Three conditions must be met before a writ of mandamus may issue”: (1) that the party “have no other adequate means to attain the relief he desires”; (2) that the party’s “right to the writ is clear and

indisputable”; and (3) that the court “be satisfied that the writ is appropriate under the circumstances.” *Id.* at 1187 (quotations omitted). “It is not appropriate to issue a writ when the most that could be claimed is that the district courts have erred in ruling on matters within their jurisdiction.” *Id.* (quotation omitted).

Whether to allow a nonparty to be heard in court and whether to allow that nonparty to appear by telephone generally are matters of courtroom administration that fall within the district court’s sound discretion. Notwithstanding his assertions regarding the rights of expatriate Americans, the rights of Native Americans, and the status of Taiwan, Dr. Risenhoover has no “clear and indisputable” right to be heard or to appear by telephone at the November 22, 2010, hearing. Mandamus relief is not appropriate under these circumstances.

The petition for a writ of mandamus is DENIED. Dr. Risenhoover’s alternative requests to be able to represent the interests of others and for a writ of habeas corpus allowing his appearance in court are DENIED. His motion to proceed in forma pauperis and to be allowed electronic filing privileges is DENIED. All other pending motions are DENIED.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal line.

ELISABETH A. SHUMAKER, Clerk