

March 31, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

FOR THE TENTH CIRCUIT

In re:

ERIC ADAMS,

Petitioner.

No. 11-1092

(D.C. No. 1:11-CV-00529-BNB)

(D. Colo.)

ORDER

Before **KELLY**, **EBEL**, and **GORSUCH**, Circuit Judges.

This is an original proceeding in the nature of mandamus. Pro se petitioner Eric Adams seeks an order directing the United States District Court for the District of Colorado to consider his repetitive 28 U.S.C. § 2241 habeas petition on the merits and also to accept the petition in the form in which he filed it. Further, he seeks leave to proceed in this matter without prepaying the filing fee and costs.

Mandamus is a drastic remedy, to be used only in extraordinary situations. *Weston v. Mann* (*In re Weston*), 18 F.3d 860, 864 (10th Cir. 1994). “To be eligible for mandamus relief, the petitioner must establish (1) that he has a clear right to relief, (2) that the respondent’s duty to perform the act in question is plainly defined and peremptory, and (3) that he has no other adequate remedy.” *Rios v. Ziglar*, 398 F.3d 1201, 1206 (10th Cir. 2005). Mr. Adams’ frivolous mandamus petition does not come close to meeting the applicable standards.

Therefore, the petition is DENIED, as is his motion to proceed without prepayment of fees and costs.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker". The signature is written in dark ink and includes a long, sweeping horizontal flourish at the end.

ELISABETH A. SHUMAKER, Clerk