

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 18, 2014

Elisabeth A. Shumaker
Clerk of Court

In re: M. EUGENE GIBBS-SQUIRES,

Petitioner.

No. 14-1448
(D.C. No. 1:14-CV-00488-MSK-CBS)
(D. Colo.)

ORDER

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

M. Eugene Gibbs-Squires seeks a writ of mandamus ordering the district court to rule on his pending “Amended Motion for Injunction,” filed in April 2014. A response in opposition was filed June 2014. About a month later, Mr. Gibbs-Squires filed a motion to stay the entire case. The court has not ruled on either motion.

“[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) (internal quotation marks omitted). “For mandamus to issue, there must be a clear right to the relief sought, a plainly defined and peremptory duty on the part of respondent to do the action in question, and no other adequate remedy available.” *Johnson v. Rogers*, 917 F.2d 1283, 1285 (10th Cir. 1990). Although we have recognized that a fourteen-month delay in deciding a habeas case might be unreasonable, *see id.*, a delay of six months in resolving a motion in this context is

not unreasonable, especially in light of Mr. Gibbs-Squires's motion for a stay.

Accordingly, the petition for a writ of mandamus is denied.

Entered for the Court

A handwritten signature in black ink, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right. The signature is written over a light blue dotted grid background.

ELISABETH A. SHUMAKER, Clerk