

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 14, 2023

Christopher M. Wolpert
Clerk of Court

In re: JOHN PATRICK FLETCHER,

Petitioner.

Nos. 23-1346 & 23-1347
(D.C. No. 1:23-CV-02345-LTB)
(D. Colo.)

ORDER

Before **PHILLIPS**, **MORITZ**, and **CARSON**, Circuit Judges.

John Patrick Fletcher is serving a life sentence in Colorado prison stemming from a 1992 murder case. He commenced the underlying action by filing a habeas application in district court, purportedly under 28 U.S.C. § 2241. His application alleged, in essence, that his arrest, prosecution, and incarceration amount to an ongoing kidnapping perpetrated against him by police and prosecutors involved in his murder case. He later filed a motion in the habeas action seeking relief under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, on the theory that he is the victim of a kidnapping. Both his habeas application and the CVRA motion remain pending in the district court. In each of the two cases before us, Mr. Fletcher petitions for a writ of mandamus directed to the district court hearing the underlying habeas matter.¹

¹ Mr. Fletcher represents himself, so we construe his filings liberally. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

In No. 23-1346, Mr. Fletcher asks us to direct the district court to provide the relief he seeks in his CVRA motion.² Although the CVRA allows a movant to “petition the court of appeals for a writ of mandamus,” it allows the movant to do so *if* “the district court denies the relief sought.” § 3771(d)(3). The district court has not denied Mr. Fletcher’s CVRA motion, so his petition in No. 23-1346 is premature. We therefore deny it.

In No. 23-1347, Mr. Fletcher asks us to direct the district court to rule on his habeas application. He filed the application on September 5, 2023. He has not persuaded us that an impermissible delay has occurred. And so we deny the petition in No. 23-1347.

* * *

We deny Mr. Fletcher’s petitions for a writ of mandamus. We grant his motions to proceed without prepaying costs or fees.

Entered for the Court

A handwritten signature in dark ink, appearing to read 'Christopher M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk

² To the extent that Mr. Fletcher’s petition in No. 23-1346 asks us to direct the district court to rule on his CVRA motion, we deny that request. The district court received the motion on October 4, 2023. Mr. Fletcher has not persuaded us that an impermissible delay has occurred.