

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 25, 2024

**Christopher M. Wolpert
Clerk of Court**

In re: MAVERICK A. YOUNG,
a/k/a M.A.Y.,

Petitioner.

No. 24-1216
(D.C. No. 1:24-CV-00938-SBP)
(D. Colo.)

In re: MAVERICK A. YOUNG,

Petitioner.

No. 24-1217
(D.C. No. 1:23-CV-03145-LTB)
(D. Colo.)

In re: MAVERICK A. YOUNG,

Petitioner.

No. 24-1218
(D.C. No. 1:23-CV-03044-LTB)
(D. Colo.)

In re: MAVERICK A. YOUNG,

Petitioner.

No. 24-1219
(D.C. No. 1:23-CV-03143-LTB)
(D. Colo.)

In re: MAVERICK A. YOUNG,
a/k/a M.A.Y.,

Petitioner.

No. 24-1220
(D.C. No. 1:24-CV-00942-SBP)
(D. Colo.)

In re: MAVERICK A. YOUNG,

Petitioner.

No. 24-1221
(D.C. No. 1:23-CV-03138-LTB)
(D. Colo.)

In re: MAVERICK A. YOUNG,
Petitioner.

No. 24-1222
(D.C. No. 1:24-CV-01007-SBP)
(D. Colo.)

In re: MAVERICK A. YOUNG,
Petitioner.

No. 24-1223
(D.C. No. 1:23-CV-03042-LTB)
(D. Colo.)

In re: MAVERICK A. YOUNG,
Petitioner.

No. 24-1224
(D.C. No. 1:23-CV-03043-LTB)
(D. Colo.)

In re: MAVERICK A. YOUNG,
Petitioner.

No. 24-1225
(D.C. No. 1:23-CV-03141-LTB)
(D. Colo.)

In re: MAVERICK A. YOUNG,
Petitioner.

No. 24-1227
(D.C. No. 1:23-CV-03140-LTB)
(D. Colo.)

In re: MAVERICK A. YOUNG,
Petitioner.

No. 24-1228
(D.C. No. 1:23-CV-03046-LTB)
(D. Colo.)

In re: MAVERICK A. YOUNG,
Petitioner.

No. 24-1229
(D.C. No. 1-23-CV-03045-LTB)
(D. Colo.)

In re: MAVERICK A. YOUNG,
Petitioner.

No. 24-1237
(D.C. No. 1:24-cv-00940-SBP)
(D. Colo.)

ORDER

Before **HOLMES**, Chief Judge, **KELLY**, and **BACHARACH**, Circuit Judges.

Maverick A. Young, proceeding pro se, petitions for a writ of mandamus in fourteen cases. In ten of the cases, he seeks a writ of mandamus directing the United States District Court for the District of Colorado to reopen his underlying district court cases. In four of the cases, he seeks a writ of mandamus directing the district court to waive his filing fees in the underlying district court cases. For the following reasons, we deny all of Mr. Young’s mandamus petitions.

“[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). This court will not issue a writ unless the petitioner shows that he has “no other adequate means to attain the relief he desires,” and that “his right to the writ is clear and indisputable.” *Id.* at 1187 (internal quotation marks omitted). Additionally, the court “must be satisfied [in the exercise of its discretion] that the writ is appropriate under the circumstances.” *Id.* (internal quotation marks omitted).

Mandamus to Reopen Cases

Mr. Young has failed to show he has no other adequate means to obtain the relief he seeks in the ten mandamus matters where he wants the district court to reopen his cases. In the underlying district court cases, a magistrate judge ordered Mr. Young to file his complaints on the proper form and either pay the filing fee or file on the proper form an application to proceed without prepayment of fees or costs. The magistrate judge also notified Mr. Young that his cases could be dismissed if he did not cure these deficiencies. Mr. Young did not cure the deficiencies within the allotted timeframe, and the district court dismissed all ten cases pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Mr. Young failed to appeal from the district court's dismissal orders, and he now asks this court to direct the district court to reopen his cases. But "[t]he extraordinary relief of a writ of mandamus is not a substitute for an appeal, and it is not a vehicle to relieve persons of the consequences of their previous decision not to pursue available procedures and remedies." *Weston v. Mann (In re Weston)*, 18 F.3d 860, 864 (10th Cir. 1994). Mr. Young is not entitled to mandamus relief to relieve him of the consequences of his previous decision not to appeal the district court's dismissal orders.

In addition, because the district court dismissed these cases without prejudice Mr. Young also has another remedy—he could initiate new actions by refiling his complaints on the proper forms and paying the filing fee or submitting on the proper form applications to proceed without prepayment of costs or fees. Accordingly, we deny

Mr. Young's requests for mandamus relief in the following case numbers: 24-1217, 24-1218, 24-1219, 24-1221, 24-1223, 24-1224, 24-1225, 24-1227, 24-1228, and 24-1229.

Mandamus to Waive Filing Fees

Mr. Young has also failed to show he has no other adequate means to obtain the relief he seeks in the four cases where he asks this court to order the district court to waive his filing fees. These cases are all in slightly different postures, but Mr. Young has failed to show his entitlement to mandamus relief in any of them.

In the underlying district court case in case number 24-1220, the district court granted Mr. Young's application to proceed without prepaying fees or costs on April 22, 2024, so it is not clear why Mr. Young states that the district court denied his request to proceed without paying a filing fee in this case. Because Mr. Young has already received the relief he seeks, we deny as moot the mandamus petition in case number 24-1220.

In the underlying district court case in case number 24-1216, the district court directed Mr. Young to file on the proper form his application to proceed without prepaying fees or costs. But to date, Mr. Young has not filed his request for a fee waiver on the proper form. Because he has an adequate remedy to obtain the relief he seeks by filing his request on the proper form, we deny his mandamus petition in case number 24-1216.

In the underlying district court case in case number 24-1222, the district court dismissed the complaint on May 30, 2024, as duplicative of the complaint in one of Mr. Young's other cases (district court case number 24-cv-00938). Mr. Young had an

adequate remedy because he could have appealed from that dismissal order, but he chose not to do so. We therefore deny his mandamus petition in case number 24-1222.

In the underlying district court case in case number 24-1237, Mr. Young filed an application to proceed without prepayment of fees or costs, but then shortly after filed a separate motion for an extension of time to pay his filing fee, asking for a 60-day extension. The district court granted in part the motion, giving Mr. Young a 42-day extension to pay his filing fee. Mr. Young has failed to explain why he has no other adequate remedy for the relief he seeks and why these circumstances give rise to a clear and indisputable right to the extraordinary remedy of a writ of mandamus. Accordingly, we deny his mandamus petition in case number 24-1237.

We deny all of Mr. Young's mandamus petitions, and we deny all his motions for leave to proceed without prepayment of costs or fees in these mandamus matters. We also deny as moot all other pending motions.

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