

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

August 19, 2025

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

In re: TAMIKA DAWSON, a private
irrevocable trust estate by and through its
authorized representative of CS Trust,

No. 25-1283
(D.C. No. 1:25-CV-01961-RTG)
(D. Colo.)

Petitioner.

ORDER

Before **CARSON, ROSSMAN**, and **FEDERICO**, Circuit Judges.

Tamika Dawson, proceeding pro se, has filed a petition for writ of mandamus.

Ms. Dawson filed a civil complaint in the District of Colorado on June 23, 2025.

In the month that followed, she filed an amended complaint and a number of motions.

On July 24, she filed a mandamus petition in this court. She requests that this court

“[o]rder the District of Colorado to assign her case to an Article III Judge immediately”

and “[o]rder the District Court to issue rulings on all pending TROs and emergency motions within 48 hours.” Pet. at 3.

“[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). It “is used only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.” *Id.* “[W]e will grant a writ only when the

district court has acted wholly without jurisdiction or so clearly abused its discretion as to constitute usurpation of power.” *Id.* (internal quotation marks omitted).

To be entitled to this drastic remedy, Ms. Dawson must show she has “no other adequate means to attain the relief [she] desires” and that her “right to the writ is clear and indisputable.” *Id.* at 1187 (internal quotation marks omitted). Further, this court, “in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances.” *Id.* (internal quotation marks omitted).

Ms. Dawson argues that “[a]ll three factors are met here. Delay is causing irreparable harm; the District Court is ignoring its own procedural rules; and no remedy exists other than this Court’s immediate supervisory action.” Pet. at 3. We are not persuaded by Ms. Dawson’s argument.

The Supreme Court has explained that “where a district court persistently and without reason refuses to adjudicate a case properly before it, the court of appeals may issue the writ.” *Will v. Calvert Fire Ins. Co.*, 437 U.S. 655, 661-62 (1978). But Ms. Dawson has not shown that the district court’s failure to immediately reassign her case from a magistrate judge to an Article III judge or its failure to rule on motions that were just filed last month constitutes a persistent refusal to adjudicate a case properly before it. *Cf. Johnson v. Rogers*, 917 F.2d 1283, 1285 (10th Cir. 1990) (granting mandamus petition and ordering district court to hear and decide habeas petition that had been pending for fourteen months). She has therefore failed to show that her right to the writ is clear and indisputable.

Ms. Dawson also filed a supplement to her mandamus petition in which she requests:

- “Immediate judicial review of the July 24 and July 28 filings”;
- “Reassignment to an Article III judge for full enforcement”;
- “U.S. Marshal intervention to preserve any remaining trust assets”;
- “Subpoena of all bodycam footage from CSPD July 23-24”; and
- “Preservation of all internal communications from ComCap, UID, Waste Connections, and associated agents[.]”

Suppl. to Pet. at 2. But Ms. Dawson does not address any of the mandamus factors relevant to these requests. She has not shown that this court has the authority to take all these actions or that her right to the writ is clear and indisputable.

Accordingly, we deny her mandamus petition and its supplement. We also deny all other pending motions filed in this matter.

Entered for the Court

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

CHRISTOPHER M. WOLPERT, Clerk