

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**July 22, 2025**

**Christopher M. Wolpert**  
**Clerk of Court**

In re: JANE DOE,  
  
Petitioner.

No. 25-4092  
(D.C. No. 2:25-CV-00590-RJS)  
(D. Utah)

**ORDER**

Before **HOLMES**, Chief Judge, **MORITZ** and **ROSSMAN**, Circuit Judges.

This matter is before us on an “Emergency Petition for Writ of Mandamus and Emergency Injunctive Relief.” Petitioner seeks an order from this court prohibiting the defendants below from “proceeding with the auction, transfer, sale, or disposal of any contents from Petitioner’s storage unit,” which is scheduled for July 23, 2025.

Mandamus is drastic and extraordinary relief that may not be used as a substitute for appeal. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380-81 (2004); *Will v. United States*, 389 U.S. 90, 97 (1967). Petitioner must show a “clear and indisputable” right to relief, which is available only in exceptional circumstances that amount to a “clear abuse of discretion” or “judicial usurpation of power.” *Cheney*, 542 U.S. at 380-81 (internal quotation marks omitted). Petitioner has not made the showings necessary for mandamus relief.

To the extent petitioner seeks relief pursuant to Fed. R. App. P. 8 for injunctive relief pending appeal, she must show the circumstances justify an exercise of the court’s discretion. *See Nken v. Holder*, 556 U.S. 418, 433-34 (2009). And in determining

whether to exercise its discretion, the court considers: “(1) whether the stay applicant has made a strong showing that [s]he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Id.* at 434 (internal quotation marks omitted); *see also Warner v. Gross*, 776 F.3d 721, 728 (10th Cir.) (clarifying that a motion for stay pending appeal is examined under the same standard as a request for a preliminary injunction), *aff’d sub nom., Glossip v. Gross*, 576 U.S. 863 (2015). Applying these standards here, we conclude petitioner has not shown entitlement to injunctive relief under Rule 8.

Consequently, we deny the emergency mandamus petition and request for injunctive relief. Petitioner’s “Emergency Motion to Certify Petition to the Supreme Court of the United States” is also denied.<sup>1</sup>

Entered for the Court

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk

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<sup>1</sup> Petitioner cites Fed. R. App. P. 22 and 28 U.S.C. § 1254(2) as the bases for this motion. Rule 22, which applies to proceedings brought under 28 U.S.C. §§ 2241, 2254, and 2255, is not applicable to this proceeding and has no relevance here, and there is no question of law this court requires instruction on such that certification to the Supreme Court is required or appropriate under § 1254(2).