

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 10, 2026

Christopher M. Wolpert
Clerk of Court

In re: STEWART M. ARTIS, SR.,

No. 26-2101

Petitioner.

ORDER

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

Petitioner Stewart M. Artis, Sr. has filed a petition under the All Writs Act, 28 U.S.C. § 1651, seeking to halt ongoing criminal proceedings in New Mexico state court. He also has moved for a stay pending our review of his petition.

“[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). “There must be more than what we would typically consider to be an abuse of discretion in order for the writ to issue.” *Id.* “Only exceptional circumstances, amounting to a judicial usurpation of power, will justify the invocation of this extraordinary remedy.” *Id.* (internal quotation marks omitted).

In light of these considerations, three conditions must be met in order for a writ of mandamus to issue: (1) the petitioner “must have no other adequate means to attain the relief he desires”; (2) “the petitioner must demonstrate that his right to the writ is clear and indisputable”; and (3) “the issuing court, in the exercise of its discretion, must be

satisfied that the writ is appropriate under the circumstances.” *Id.* at 1187 (internal quotation marks omitted).

We conclude that the writ is not appropriate under the circumstances presented. Mr. Artis requests mandamus relief from ongoing criminal proceedings in the Second Judicial District Court of New Mexico. But “[w]e have no authority to issue . . . a writ to direct state courts or their judicial officers in the performance of their duties.” *Van Sickle v. Holloway*, 791 F.2d 1431, 1436 n.5 (10th Cir. 1986); *see also White v. Ward*, 145 F.3d 1139, 1140 (10th Cir. 1998).

In short, Mr. Artis has not established that he is entitled to the issuance of a writ of mandamus, and we therefore deny the petition. We further deny as moot his motion for stay. Finally, we grant his motion for leave to proceed in forma pauperis.

Entered for the Court

Per Curiam