

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5274**September Term, 2018****1:18-cv-01691-UNA****Filed On: June 27, 2019**

Philong Huynh,
Appellant

v.

Postmaster General,
Appellee

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Millett and Rao, Circuit Judges, and Sentelle, Senior Circuit Judge

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by the appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order, filed August 9, 2018, be affirmed. The district court properly construed appellant's "complaint" as a petition for writ of mandamus because the relief sought – to compel action by the Postmaster General – was in the nature of a writ of mandamus. The district court properly dismissed that petition because appellant failed to show a "clear and indisputable" right to the relief requested. Gulfstream Aerospace Corp. v. Mayacamas Corp., 485 U.S. 271, 289 (1988); see American Hosp. Ass'n v. Burwell, 812 F.3d 183, 189 (D.C. Cir. 2016) (A threshold requirement of mandamus jurisdiction is that the government agency or official have "a clear duty to act.").

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk