

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

In re: FRANKLIN C. SMITH,
Petitioner

2021-189

On Petition for Writ of Mandamus to the United States
Court of Appeals for the Federal Circuit.

ON PETITION

PER CURIAM.

O R D E R

Franklin C. Smith petitions for writ of mandamus that appears to ask the court to direct public officials, including the Speaker of the United States House of Representatives, “to perform the legal duties, or refrain from abusing their powers, which it has or refused to do.” ECF No. 2 at 1. Mr. Smith also files a submission entitled “cease and desist order” seeking to “immediately stop” the former Acting United States Attorney for the District of Columbia “from prosecuting U.S. Citizens at the Capitol on or about (January 6th[,] 2021).” ECF No. 7 at 1.

The All Writs Act provides that the federal courts “may issue all writs necessary or appropriate in aid of their

respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). As that statute makes clear, however, the Act is not itself a grant of jurisdiction. *See Clinton v. Goldsmith*, 526 U.S. 529, 534–35 (1999). This court does not have original jurisdiction over Mr. Smith’s requests for relief. Nor do his submissions reference any agency or trial court action that would eventually be subject to this court’s limited jurisdiction on direct appeal under 28 U.S.C. § 1295 that would give us authority to consider a mandamus request. We therefore dismiss.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition is dismissed.
- (2) All pending motions are denied as moot.

FOR THE COURT

November 23, 2021
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court