

NOTE: This order is nonprecedential.

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

In re: NORMAN ALAN KERR,
Petitioner

2023-110

On Petition for Writ of Mandamus to the United States District Court for the Middle District of North Carolina in No. 1:09-cr-00290-NCT, Senior Judge N. Carlton Tilley, Jr.

ON PETITION AND MOTION

PER CURIAM.

ORDER

Norman Alan Kerr petitions for mandamus and moves to proceed *in forma pauperis* and for leave to file a brief in support of his petition.

Mr. Kerr's petition appears to be challenging his criminal conviction. His submissions include correspondence with the Department of Justice, Office of the Inspector General and the United States Court of Appeals for the Fourth Circuit concerning his conviction. And his petition asks to compel the "Federal Bureau" and "Director of Administration of the Courts" to "perform their dut[ies]."

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). And although 28 U.S.C. § 1361, cited by Mr. Kerr, provides that “[t]he *district courts* shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff” (emphasis added), we are not a district court. Because Mr. Kerr’s petition has not otherwise identified any matter that could fall within this appellate court’s limited jurisdiction, we have no jurisdiction to consider his mandamus request.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

March 1, 2023

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court