

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Michael A. Reed v. Warden

Reed v. Warden · No. 2:25-CV-01695-DSF (SK) · Decided July 14, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Michael A. Reed’s pro se petition for a writ of mandamus. The court held that federal district courts lack jurisdiction to issue mandamus compelling state courts or state judicial officers, and further concluded that the requested relief was not cognizable under 28 U.S.C. § 2254.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Dale S. Fischer
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 14, 2025
DOCKET	2:25-CV-01695-DSF (SK)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A California state prisoner proceeding pro se and in forma pauperis filed a federal petition for a writ of mandamus seeking an order compelling a California superior court to permit him to represent himself in ongoing state postconviction proceedings. The federal district court dismissed the petition for lack of jurisdiction.
STANDARD OF REVIEW	A prisoner proceeding in forma pauperis may be dismissed if the action is frivolous, malicious, or fails to state a claim; a petition is frivolous when it lacks an arguable basis in law or fact. The court also applied the jurisdictional limits of the federal mandamus statute.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Michael A. Reed v. Warden

TOPICS

- federal habeas corpus
- subject matter jurisdiction
- post-conviction relief
- civil procedure
- federalism

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

federal mandamus

constitutional law

QUESTIONS PRESENTED

1. Whether a federal district court has authority under the federal mandamus statute to compel a state superior court or state judicial officer to permit a state prisoner to represent himself.
2. Whether the requested coercive order falls within the core of federal habeas corpus under 28 U.S.C. § 2254.
3. Whether the petition was frivolous and subject to dismissal under 28 U.S.C. §§ 1915A and 1915(e)(2) (B).

HOLDINGS

1. The federal mandamus statute gives federal district courts original jurisdiction only to compel an officer or employee of the United States or a federal agency to perform a duty owed to the plaintiff; it does not authorize mandamus against state courts or state judicial officers.
2. A prisoner petition proceeding in forma pauperis may be dismissed as frivolous when it lacks an arguable basis in law or fact, and Reed's federal mandamus petition met that standard because the requested relief was beyond the court's jurisdiction.
3. Construing the filing as a petition under 28 U.S.C. § 2254 would not provide a basis for relief because an order compelling a state superior court to allow self-representation would not fall within the core of habeas corpus or result in immediate or earlier release from confinement.

KEY QUOTATIONS

“In other words, federal courts have no authority to issue mandamus against non-federal entities or officials—including “state courts or their judicial officers.””

“A habeas court has the power to release a prisoner, but has no other power.”

FACTUAL BACKGROUND

Michael Reed is a California inmate engaged in postconviction proceedings under California's Criminal Racial Justice Act. The state superior court apparently appointed counsel for those proceedings, but Reed wanted to represent himself. After unsuccessfully seeking mandamus relief in the California appellate courts, he asked the federal district court to compel the state superior court to allow self-representation.

PROCEDURAL HISTORY

Reed was represented by appointed counsel in California Criminal Racial Justice Act proceedings in San Diego County Superior Court and unsuccessfully sought mandamus relief in the California appellate courts to compel permission for self-representation. He then filed this federal mandamus petition against the Warden. The district court dismissed the action without prejudice for lack of jurisdiction and ordered judgment entered accordingly.

DISPOSITION

dismissed

CASES CITED

- Reed v. S. C. (People), Case No. S287202
- Reed v. CSP LAC, 2023 WL 8064548, at *1 (9th Cir. Nov. 21, 2023)
- Reed v. Cal. State Prison, Los Angeles County, 144 S. Ct. 2615 (2024)
- Reed v. Cal. State Prison, Los Angeles County, 145 S. Ct. 366 (2024)
- Reed v. Buckel et al., Case No. 24-CV-00179-MMA (S.D. Cal. Jan. 25, 2024)
- Reed v. Buckel et al., Case No. 23-CV-01431-JLT (E.D. Cal. Oct. 3, 2023)
- Reed v. California, Case No. 22-CV-05214-JST (N.D. Cal. Sept. 12, 2022)
- Reed v. CSP LAC, Case No. 12-CV-10727-SB (C.D. Cal.)
- Neitzke v. Williams, 490 U.S. 319, 327-28 (1989)
- Andrews v. King, 398 F.3d 1113, 1121 (9th Cir. 2005)
- Clark v. Washington, 366 F.2d 678, 681 (9th Cir. 1966)
- Demos v. U.S. Dist. Ct., 925 F.2d 1160, 1161-62 (9th Cir. 1991)
- Andrade v. Cal. Dep't of Corrs., 2021 WL 412267, at *1 (C.D. Cal. Feb. 4, 2021)
- Martin v. Cal. Sup. Ct., 2020 WL 1914945, at *1 (N.D. Cal. Apr. 20, 2020)
- Hodges v. Cir. Ct. of Second Cir., 2019 WL 6311986, at *2 (D. Haw. Nov. 25, 2019)
- Kildare v. Saenz, 325 F.3d 1078, 1084 (9th Cir. 2003)
- Patel v. Reno, 134 F.3d 929, 931 (9th Cir. 1998)
- Nettles v. Grounds, 830 F.3d 922, 935 (9th Cir. 2016) (en banc)
- Douglas v. Jacquez, 626 F.3d 501, 504 (9th Cir. 2010)
- Martinez v. Ct. of Appeal of Cal., Fourth Appellate Dist., 528 U.S. 152, 163 (2000)
- Faretta v. California, 422 U.S. 806 (1975)
- In re Barnett, 73 P.3d 1106, 1112-13 (Cal. 2003)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA MICHAEL A. REED, CASE NO. 2:25-CV-01695-DSF (SK) Petitioner, ORDER DISMISSING PUTATIVE v. PETITION FOR WRIT OF MANDAMUS WARDEN, Respondent. Petitioner Michael Reed¹ is a California inmate, proceeding pro se and in forma pauperis, who is currently engaged in postconviction proceedings in San Diego County superior court under California's Criminal Racial Justice Act (CRJA), California Penal Code § 745(b).

(ECF 1, 4, 5, 6). The state superior court has apparently appointed petitioner counsel for those ongoing CRJA proceedings. But petitioner wants to represent himself instead. So, he has

petitioned the California appellate courts—unsuccessfully—for a writ of mandamus to compel the state superior court to permit his self-representation. See *Reed v. S. C. (People)*, Case No. S287202.

Now, petitioner wants federal court intervention, claiming that he has an 1 According to his assigned California Department of Corrections and Rehabilitation inmate number, petitioner has filed several unrelated actions not only in state courts but throughout many federal district courts, as well. Often, though, he has spelled his first name as “Mychal” instead of “Michael.” See, e.g., *Reed v. CSP LAC*, 2023 WL 8064548, at *1 (9th Cir.

Nov. 21, 2023), cert. denied sub nom. *Reed v. Cal. State Prison, Los Angeles Cnty.*, 144 S. Ct. 2615 (2024), reh’g denied, 145 S. Ct. 366 (2024); *Reed v. Buckel et al.*, Case No. 24-CV-00179-MMA (S.D. Cal. Jan. 25, 2024); *Reed v. Buckel et al.*, Case No. 23-CV-01431-JLT (E.D. Cal. Oct. 3, 2023); *Reed v. California*, Case No. 22-CV-05214- JST (N.D. Cal. Sept. 12, 2022); *Reed v. CSP LAC*, Case No. 12-CV-10727-SB (C.D.

Cal. unconditional Sixth Amendment right to self-representation in his state CRJA proceedings. (ECF 1, 4, 5, 6). Civil petitions filed by prisoners proceeding in forma pauperis are subject to dismissal if they are frivolous, malicious, or otherwise fail to state a claim on which relief may be granted. 28 U.S.C. §§ 1915A(a)-(b), 1915(e)(2)(B). A prisoner’s petition may be dismissed as frivolous when it lacks an arguable basis in law or fact.

Neitzke v. Williams, 490 U.S. 319, 327-28 (1989); *Andrews v. King*, 398 F.3d 1113, 1121 (9th Cir. 2005). That standard disposes of the “Petition for Writ of Mandamus” filed by petitioner here. The federal mandamus statute only affords federal district courts “original jurisdiction... to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361 (emphasis added).

In other words, federal courts have no authority to issue mandamus against non-federal entities or officials—including “state courts or their judicial officers.” *Clark v. Washington*, 366 F.2d 678, 681 (9th Cir. 1966); see *Demos v. U.S. Dist. Ct.*, 925 F.2d 1160, 1161-62 (9th Cir. 1991) (petition for writ of mandamus frivolous because federal courts lack jurisdiction to direct or issue mandamus to state entities).

Thus, “a petition which seeks a writ of mandamus to compel a non-federal actor to take action is frivolous as a matter of law.” *Andrade v. Cal. Dep’t of Corrs.*, 2021 WL 412267, at *1 (C.D. Cal. Feb. 4, 2021) (citing *Demos*, 925 F.2d at 1161-62); accord *Martin v. Cal. Sup. Ct.*, 2020 WL 1914945, at *1 (N.D. Cal. Apr. 20, 2020); *Hodges v. Cir. Ct. of Second Cir.*, 2019 WL 6311986, at *2 (D.

Haw. Nov. 25, 2019).² 2 Besides, on the merits, mandamus is appropriate only when a petitioner’s “claim is clear and certain,” and the relevant officer’s duty is “nondiscretionary, ministerial, and so

plainly prescribed to be free from doubt.” *Kildare v. Saenz*, 325 F.3d 1078, 1084 (9th Cir. 2003). Petitioner’s demand would fare no better even if his petition were construed as seeking habeas relief under 28 U.S.C. § 2254.

Setting aside the questionable merits of petitioner’s Sixth Amendment claim (see ECF 11), the relief he seeks—a coercive order against a state superior court—does not fall “within the core of habeas corpus” in any event. *Nettles v. Grounds*, 830 F.3d 922, 935 (9th Cir. 2016) (en banc). Any order purporting to force the superior court to allow petitioner to represent himself would still not lead to his “immediate or earlier release from confinement.” *Id.*; see *Douglas v. Jacquez*, 626 F.3d 501, 504 (9th Cir. 2010).

2010) (“A habeas court has the power to release a prisoner, but has no other power.” (cleaned up)). For these reasons, the Petition for Writ of Mandamus (ECF 1) is ordered DISMISSED for lack of jurisdiction. Judgment dismissing this action without prejudice will be entered accordingly. IT IS SO ORDERED. f\ J \ |9 4 wplce DATED: July 14, 2025 face neeeeerr naan LR DALE S. FISCHER United States District Judge Cir.

2003) (quoting *Patel v. Reno*, 134 F.3d 929, 931 (9th Cir. 1998)). Yet it is far from “clear and certain” that petitioner has an unconditional federal right to self-representation in state postconviction proceedings. See, e.g., *Martinez v. Ct. of Appeal of Cal., Fourth Appellate Dist.*, 528 U.S. 152, 163 (2000) (Supreme Court’s holding in *Faretta v. California*, 422 U.S. 806 (1975) did not require California to “recognize a constitutional right to self-representation on direct appeal from a criminal conviction”); *In re Barnett*, 73 P.3d 1106, 1112-13 (Cal. 2003).

2003) (concluding that California inmates have no state or federal constitutional right to self-representation in state habeas proceedings).