

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, NORTHERN DIVISION

Todd Allen Agar v. Kati J. Bartrand, et al.

Agar v. Bartrand, No. 25-cv-13594 (E.D. Mich. Mar. 13, 2026) · No. 25-cv-13594 · Decided March 13, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan denied Todd Allen Agar’s petition for a writ of mandamus seeking trial transcripts from his Michigan criminal case. The court held that mandamus was unavailable to challenge his conviction or direct Michigan state officials to provide transcripts, and that Agar had no federal constitutional right to submit a pro se appellate brief in addition to counsel’s brief. The court denied Agar’s numerous ancillary motions as moot and closed the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Northern Division
WRITING FOR THE COURT	Robert J. White
JURISDICTION	United States District Court for the Eastern District of Michigan, Northern Division
DECIDED	March 13, 2026
DOCKET	25-cv-13594
DISPOSITION	other
PROCEDURAL POSTURE	Pro se state prisoner petition for a federal writ of mandamus seeking trial transcripts and related relief, accompanied by multiple motions. The district court denied the mandamus petition and denied the additional motions as moot.
STANDARD OF REVIEW	Mandamus is an extraordinary remedy available only when the petitioner lacks any other adequate means of relief, has a clear and indisputable right to issuance of the writ, and demonstrates that issuance is appropriate under the circumstances.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

- appellate procedure
- federal habeas corpus
- post-conviction relief
- civil procedure
- constitutional law

PRACTICE AREAS

civil procedure

federal habeas corpus

post-conviction relief

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether a federal district court may issue a writ of mandamus to compel state court officials to provide trial transcripts or restore a state-court appeal.
2. Whether mandamus may be used to directly challenge or overturn a state criminal conviction.
3. Whether a criminal defendant represented by appellate counsel has a federal constitutional right to submit a separate pro se brief on direct appeal and obtain transcripts for that purpose.
4. Whether the petitioner's additional discovery, dispositive, amendment, contempt, injunction, and related motions should be granted after denial of the mandamus petition.

HOLDINGS

1. A challenge to a state-court conviction or the custody resulting from it must proceed through a petition for habeas corpus under 28 U.S.C. § 2254, not a petition for a writ of mandamus.
2. Agar was not entitled to mandamus relief because he did not demonstrate a clear and indisputable right to an order compelling state officials to provide the requested transcripts.
3. A criminal defendant represented by appellate counsel has no federal constitutional right to self-representation or hybrid representation on direct appeal and therefore cannot establish a constitutional right to trial transcripts solely to prepare a separate pro se appellate brief.

KEY QUOTATIONS

“The remedy of mandamus in the federal courts is considered “a drastic one, to be invoked only in extraordinary situations.”” (Section II)

“And 28 U.S.C. § 2254 is basically “the exclusive vehicle for prisoners in custody pursuant to a state court judgment who wish to challenge anything affecting that custody[.].”” (Section III.A)

“Thus, there is no constitutional entitlement to submit a pro se appellate brief on direct appeal from a criminal conviction in addition to a brief submitted by appellate counsel.” (Section III.B)

“A federal court has no authority to issue a writ of mandamus directing a state court or its judicial officers in the performance of their duties.” (Section III.B)

FACTUAL BACKGROUND

Agar, confined at the Carson City Correctional Facility, was convicted in Michigan state court of first-degree criminal sexual conduct and received a sentence of 456 to 900 months after a fourth-offense habitual-offender enhancement. He alleged that the state clerk and court reporter provided only nine of twenty-seven trial-transcript volumes and that the transcripts were incomplete or falsified. He sought the transcripts to prepare a pro se Standard 4 supplemental brief and to pursue restoration of his state appellate rights, while also appearing to seek relief from his conviction.

PROCEDURAL HISTORY

Agar was convicted after a bench trial in the Alpena County Circuit Court and sentenced as a fourth-offense habitual offender. The Michigan Court of Appeals affirmed the conviction and remanded for a ministerial correction to the judgment of sentence; the Michigan Supreme Court denied leave to appeal and later rejected reconsideration as untimely. While the state proceedings were pending, Agar filed this federal mandamus action seeking complete trial transcripts to prepare a pro se supplemental appellate brief and possibly challenge his conviction.

DISPOSITION

other

CASES CITED

- People v. Good, 346 Mich. App. 275, 283 (2023)
- People v. Agar, No. 364078, 2025 WL 1352508, at *1, *16 (Mich. Ct. App. May 8, 2025)
- People v. Agar, 27 N.W.3d 86, 87 (Mich. 2025)
- Kerr v. U.S. District Court for the Northern District of California, 426 U.S. 394, 402 (1976)
- In re Levang, 154 F.4th 444, 449 (6th Cir. 2025)
- In re University of Michigan, In re University of Michigan, 936 F.3d 460, 466 (6th Cir. 2019)
- Haggard v. State of Tennessee, 421 F.2d 1384, 1386 (6th Cir. 1970)
- In re Probst, 19 F. App'x 132, 133 (4th Cir. 2001)
- In re Ojeda Rios, 863 F.2d 202, 205 (2d Cir. 1988)
- United States ex rel. Murray v. Carter, 64 F. Supp. 2d 749, 750-51 (N.D. Ill. 1999)
- United States v. Logan, 22 F. Supp. 2d 691, 694 (W.D. Mich. 1998)
- Greene v. Tennessee Department of Corrections, 265 F.3d 369, 371 (6th Cir. 2001)
- Walker v. O'Brien, 216 F.3d 626, 633 (7th Cir. 2000)
- Baze v. Parker, 632 F.3d 338, 345 (6th Cir. 2011)
- United States v. Perry, 360 F.3d 519, 533 (6th Cir. 2004)
- Brennan v. Wall, 100 F. App'x 4 (1st Cir. 2004)
- Haliburton v. United States, 59 F. App'x 55, 57 (6th Cir. 2003)
- Foster v. Warden Chillicothe Correctional Institution, 522 F. App'x 319, 321 (6th Cir. 2013)
- Martinez v. Court of Appeal of California, 528 U.S. 152, 159-63 (2000)
- McMeans v. Brigano, 228 F.3d 674, 684 (6th Cir. 2000)
- Myers v. Johnson, 76 F.3d 1330, 1335 (5th Cir. 1996)
- Henderson v. Collins, 101 F. Supp. 2d 866, 881 (S.D. Ohio 1999), aff'd in part, vacated in part on other grounds, 262 F.3d 615 (6th Cir. 2001)
- Green v. Chapman, No. 20-1158, 2020 WL 4875317, at *5 (6th Cir. June 29, 2020)
- United States v. Dierling, 131 F.3d 722, 734 n.7 (8th Cir. 1997)

- Foss v. Racette, No. 1:12-CV-0059, 2012 WL 5949463, at *4 (W.D.N.Y. Nov. 28, 2012)
- Willis v. Lafler, No. 05-74885, 2007 WL 3121542, at *18 (E.D. Mich. Oct. 24, 2007)
- Beach v. Genesee County Circuit Court, No. 21-CV-11200, 2021 WL 2207399, at *2 (E.D. Mich. June 1, 2021)
- Cleaver v. Bordenkircher, 634 F.2d 1010, 1011 (6th Cir. 1980)
- White v. Ward, 145 F.3d 1139, 1140 (10th Cir. 1998)
- In re Campbell, 264 F.3d 730, 731-32 (7th Cir. 2001)
- In re Pettaway, 517 F. App'x 69, 70 (3d Cir. 2013)
- Woods v. Weaver, 13 F. App'x 304, 305-06 (6th Cir. 2001)

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