

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

In re R. Wayne Johnson

2021-107 · No. 21-107 · Decided February 2, 2021

SUMMARY

The United States Court of Appeals for the Federal Circuit denied R. Wayne Johnson’s petition for a writ of mandamus challenging proceedings in the United States Court of Appeals for Veterans Claims. The court held that Johnson had not shown entitlement to mandamus and construed his filing as a timely notice of appeal, transmitting it to the Veterans Court for docketing.

CASE DETAILS

COURT	United States Court of Appeals for the Federal Circuit
JURISDICTION	Federal
DECIDED	February 2, 2021
DOCKET	21-107
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for a writ of mandamus challenging the United States Court of Appeals for Veterans Claims' denial of mandamus relief.
STANDARD OF REVIEW	Mandamus relief requires the petitioner to demonstrate that there is no adequate alternative means to obtain the desired relief and that the right to relief is clear and indisputable.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	R. Wayne Johnson

TOPICS

- writ of certiorari
- appellate procedure
- appellate jurisdiction
- administrative law

PRACTICE AREAS

- appellate procedure
- administrative law
- veterans benefits

QUESTIONS PRESENTED

- Whether Johnson was entitled to a writ of mandamus from the Federal Circuit despite having a direct appeal available from a final decision of the Veterans Court.

2. Whether Johnson's filing should be construed and transmitted as a notice of appeal when it satisfied Federal Rule of Appellate Procedure 3(c)(1) and was timely under the applicable appeal rules.

HOLDINGS

1. Mandamus relief was unavailable because Johnson had an adequate alternative remedy by directly appealing a final decision of the Veterans Court and therefore did not establish a clear and indisputable right to relief.
2. The filing was construed as a notice of appeal and transmitted to the Court of Appeals for Veterans Claims because it appeared to satisfy Federal Rule of Appellate Procedure 3(c)(1) and was timely to appeal from the Veterans Court's judgment.

KEY QUOTATIONS

“A party seeking a writ of mandamus bears the burden of demonstrating to the court that he has no adequate alternative means to obtain the desired relief and that right to relief is clear and indisputable.” (2)

“mandamus cannot . . . be used to perform the office of an appeal. . . .” (2)

FACTUAL BACKGROUND

Johnson alleged in the Veterans Court that his benefits had been unconstitutionally withheld and that his privacy rights had been violated. The Veterans Court dismissed his mandamus petition without prejudice for failing to provide sufficient facts and legal explanation. Johnson submitted the Veterans Court's decision to the Federal Circuit with a document entitled "Criminal: Writ of Mandamus."

PROCEDURAL HISTORY

Johnson petitioned the Court of Appeals for Veterans Claims, alleging that his benefits had been unconstitutionally withheld and that his privacy rights had been violated. The Veterans Court dismissed the petition without prejudice because it failed to state the necessary facts and adequately explain the legal bases for the alleged violations. Johnson then sought mandamus relief in the Federal Circuit. The Federal Circuit denied the mandamus petition and construed and transmitted the filing as a notice of appeal to the Veterans Court.

DISPOSITION

writ_denied

REMAND INSTRUCTIONS

The Federal Circuit directed that ECF No. 2 be construed as a notice of appeal and transmitted to the Clerk of the United States Court of Appeals for Veterans Claims for docketing.

CASES CITED

- Mallard v. U.S. Dist. Court for the S. Dist. of Iowa, 490 U.S. 296, 309 (1989)
- In re Pollitz, 206 U.S. 323, 331 (1907)

