

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, SOUTHERN DIVISION

Michael Shawn Jordan v. State of Mississippi

Jordan · No. 1:25cv358-HSO-BWR · Decided January 30, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi dismissed Michael Shawn Jordan’s pro se petition for a writ of mandamus without prejudice. The court construed the petition as seeking habeas relief under 28 U.S.C. § 2254 and dismissed it as duplicative of Jordan’s previously filed habeas action challenging the same convictions.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Southern Division
WRITING FOR THE COURT	Halil Suleyman Ozerden
JURISDICTION	United States District Court for the Southern District of Mississippi, Southern Division
DECIDED	January 30, 2026
DOCKET	1:25cv358-HSO-BWR
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se state prisoner filed a petition styled as a petition for a writ of mandamus seeking to vacate his state convictions and sentences. The district court construed the requested relief as habeas relief under 28 U.S.C. § 2254 and dismissed the action without prejudice as duplicative of an earlier pending habeas petition.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Michael Shawn Jordan v. State of Mississippi

TOPICS

- federal habeas corpus
- civil procedure
- subject matter jurisdiction
- remedies

PRACTICE AREAS

- federal habeas corpus
- civil procedure
- mandamus

QUESTIONS PRESENTED

1. Whether the federal district court could issue a writ of mandamus directing a Mississippi state court or its judicial officers to vacate Jordan's state convictions and sentences.
2. Whether Jordan's mandamus petition should be liberally construed as a petition for habeas corpus under 28 U.S.C. § 2254 because it sought relief affecting the validity and duration of his confinement.
3. Whether the action should be dismissed without prejudice as duplicative of Jordan's earlier pending § 2254 habeas action concerning the same convictions and sentences.

HOLDINGS

1. The district court lacked general authority to issue a writ of mandamus directing a state court or its judicial officers to perform their duties when mandamus was the only relief sought.
2. Because Jordan sought to vacate his convictions and sentences and thereby obtain relief affecting his confinement, the petition was essentially a request for habeas relief and was construed, to the extent it sought release from confinement, under 28 U.S.C. § 2254.
3. The action was duplicative because it challenged the same convictions and sentences as Jordan's earlier pending habeas petition in the same court, and it was therefore dismissed without prejudice.

KEY QUOTATIONS

“This Court “lacks the general power to issue writs of mandamus to direct state courts and their judicial officers in the performance of their duties where mandamus is the only relief sought.”” (2)

“Since Jordan requests vacation of his convictions and sentences, the Court finds that he is essentially seeking habeas relief.” (2)

“A civil action, including a habeas action, may be dismissed if it is duplicative of another action pending in the same court.” (2)

FACTUAL BACKGROUND

Michael Shawn Jordan, an inmate in the custody of the Mississippi Department of Corrections, was convicted in Mississippi state court of four counts of sexual battery. He challenged those convictions on grounds including lack of subject-matter jurisdiction, fraud and forgery, ineffective assistance of counsel, denial of confrontation rights, and excessive pretrial bail. Jordan sought a federal writ of mandamus vacating his convictions and sentences, while an earlier federal habeas petition asserting the same challenges was already pending.

PROCEDURAL HISTORY

Jordan was convicted of four counts of sexual battery in the Circuit Court of Harrison County, Mississippi, on February 22, 2018. He filed this federal mandamus petition on November 24, 2025, challenging those convictions and requesting that they be vacated. He had filed an earlier § 2254 habeas petition raising identical claims, which remained pending in the same district court. The court dismissed this action without prejudice and ordered that a separate final judgment issue under Federal Rule of Civil Procedure 58.

DISPOSITION

dismissed

CASES CITED

- Jordan v. Johnson, 1:25-cv-330-HSO-ASH, No. [1] (S.D. Miss. Nov. 10, 2025)
- Moya v. Clerk, Dekalb Cnty. Super. Ct., 474 F.2d 1275, 1276 (5th Cir. 1973)
- Davis v. Fechtel, 150 F.3d 486, 487-88 (5th Cir. 1998)
- Orellana v. Kyle, 65 F.3d 29, 31 (5th Cir. 1995)
- Oliney v. Gardner, 771 F.2d 856, 859 (5th Cir. 1985)
- Norwood v. United States, 235 F. App'x 231, 231 (5th Cir. July 24, 2007)
- Pittman v. Moore, 980 F.2d 994, 994-95 (5th Cir. 1993)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI SOUTHERN DIVISION MICHAEL SHAWN JORDAN, #215106 PETITIONER v. CIVIL NO. 1:25cv358-HSO-BWR STATE OF MISSISSIPPI RESPONDENT ORDER OF DISMISSAL WITHOUT PREJUDICE BEFORE THE COURT is pro se Petitioner Michael Shawn Jordan's Petition [1] for Writ of Mandamus. Jordan is incarcerated with the Mississippi Department of Corrections and challenges his state-court convictions.

The Court finds that this case should be dismissed without prejudice. I. BACKGROUND On November 24, 2025, Jordan filed the instant Petition [1] for Writ of Mandamus, challenging his state-court convictions on four counts of sexual battery. Pet.

[1] at 1; Pet. Ex. A [1-2]. Jordan was convicted of these offenses in the Circuit Court of Harrison County, Mississippi, on February 22, 2018. Pet. Ex. A [1-2]; Pet. Ex. B [1-3] at 1. He claims that the trial court lacked subject-matter jurisdiction to convict him, that the convictions were obtained by fraud and forgery, and that he was denied effective assistance of counsel and the right to confrontation.

Pet. [1] at 1. Jordan further alleges that he was held on excessive pretrial bail. Id. He asks this Court for a writ of mandamus, vacating his convictions and sentences. Id. at 1, 9. This is not the first time Jordan has challenged his sexual battery convictions.

On November 10, 2025, he raised these identical claims via a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, which is still pending before the undersigned. Jordan v. Johnson, 1:25-cv-330-HSO-ASH, No. [1] (S.D. Miss. Nov. 10, 2025). II. DISCUSSION The federal mandamus statute 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.” 28 U.S.C. § 1361.

This Court “lacks the general power to issue writs of mandamus to direct state courts and their judicial officers in the performance of their duties where mandamus is the only relief sought.” *Moye v. Clerk, Dekalb Cnty. Super. Ct.*, 474 F.2d 1275, 1276 (5th Cir. 1973). Of course, a “court may liberally construe a pro se petitioner’s pleadings and treat it as a habeas corpus petition, where appropriate.” *Davis v. Fechtel*, 150 F.3d 486, 487 (5th Cir.

1998). Indeed, the Fifth Circuit Court of Appeals affirmed a district court’s decision to treat a mandamus action as a habeas petition where the “challenge directly implicate[d] the duration of [the petitioner’s] confinement.” *Id.* at 487-88. Since Jordan requests vacation of his convictions and sentences, the Court finds that he is essentially seeking habeas relief.

Orellana v. Kyle, 65 F.3d 29, 31 (5th Cir. 1995). So, to the extent Jordan seeks release from confinement, his 2 Petition [1] will be construed one for habeas relief under 28 U.S.C. § 2254. As mentioned previously, this is not the first time that Jordan has sought habeas relief from his sexual battery convictions. He had already filed another Petition for Writ of Habeas Corpus in this Court, challenging the same convictions two weeks earlier, in *Johnson*, 1:25-cv-330-HSO-ASH, and that prior habeas petition remains pending before the undersigned.

A civil action, including a habeas action, may be dismissed if it is duplicative of another action pending in the same court. *Oliney v. Gardner*, 771 F.2d 856, 859 (5th Cir. 1985); see also *Norwood v. United States*, 235 F. App’x 231, 231 (5th Cir. July 24, 2007) (habeas) (citing *Pittman v. Moore*, 980 F.2d 994, 994-95 (5th Cir. 1993)).

Because the instant Petition [1] concerns the same convictions and sentences as the prior pending case of *Johnson*, this case is duplicative and should be dismissed without prejudice. III. CONCLUSION IT IS, THEREFORE, ORDERED AND ADJUDGED that, this civil action is DISMISSED WITHOUT PREJUDICE. A separate final judgment shall issue pursuant to Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 30th day of January, 2026. s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN CHIEF UNITED STATES DISTRICT JUDGE 3