

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DENNIS SHEPHERD,

Petitioner,

v.

CASE NO. 05-3316-SAC

STATE OF KANSAS,

Respondent.

O R D E R

This matter is before the court on an action filed by a prisoner in state custody. Petitioner claims he has been restrained from presenting an appeal to the Kansas Court of Appeals following the denial of his motion pursuant to K.S.A. 60-1507 in October 2004. He has supplied copies of the order of dismissal and the notice of appeal he submitted.

Petitioner seeks a writ of mandamus. The federal courts, however, have no authority to issue a writ of mandamus to a state judge. Van Sickle v. Holloway, 791 F.2d 1431, 1436 n.5 (10th Cir. 1986). Instead, petitioner's remedy for mandamus lies in the Kansas Supreme Court. See K.S.A. 60-801 (defining mandamus as "a proceeding to compel some inferior court...to perform a specified duty....")

IT IS THEREFORE ORDERED this matter is dismissed for lack of

jurisdiction.

Copies of this order shall be transmitted to the petitioner and to the District Court of Johnson County, Kansas.

**IT IS SO ORDERED.**

DATED: This 28<sup>th</sup> day of July, 2005, at Topeka, Kansas.

S/ Sam A. Crow  
SAM A. CROW  
U.S. Senior District Judge