

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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January 30, 2024

W. A. Griffin
550 PEACHTREE ST NE STE 1490
ATLANTA, GA 30308

Appeal Number: 23-14123-E
Case Style: In re: W. A. Griffin
District Court Docket No: 1:21-cv-01016-SEG

The enclosed order has been entered. No further action will be taken in this matter.

Any pending motions are now rendered moot in light of the attached order.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-14123

In re: W. A. GRIFFIN,

Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Northern District of Georgia
D.C. Docket No. 1:21-cv-01016-SEG

Before ROSENBAUM and LUCK, Circuit Judges.

BY THE COURT:

W. A. Griffin, M.D., proceeding *pro se*, has filed in our Court a petition for an emergency writ of mandamus, addressed to the Supreme Court of the United States and Associate Justice Clarence Thomas, arising out of a number of appeals she has filed in this Court. In her petition, she asks the Supreme Court or Justice Thomas to: (1) void all of our opinions in her prior cases over the previous 8 years; (2) clarify that her patients' assignment of benefits under their healthcare plans to her was sufficient for her to have standing to pursue claims for statutory penalties under the Employee Retirement Income Security Act ("ERISA"); (3) declare that Justice Thomas shall oversee her pending cases before our Court or, alternatively, provide us with an order that expressly defines her ERISA and state rights; (4) disbar the attorneys who participated in her previous cases before our Court and the Northern District of Georgia; (5) order us to enforce the ERISA statutory penalty of \$110.00 per day for each violation; (6) clarify that a 20-year statute of limitations applies in Georgia to claims for ERISA statutory penalties; and (7) clarify that Georgia's Mandatory Assignment of Benefits Law is not preempted by ERISA.

Mandamus is available "only in drastic situations, when no other adequate means are available to remedy a clear usurpation of power or abuse of discretion." *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1004 (11th Cir. 1997) (quotation omitted). Mandamus may not be used as a substitute for appeal or to control decisions of the district court in discretionary matters. *Id.* The petitioner has the burden of showing that she has no other avenue of relief and that her right to relief is clear and indisputable. *See*

23-14123

Order of the Court

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Mallard v. United States Dist. Court, 490 U.S. 296, 309 (1989). “[A] writ of mandamus may issue only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.” *In re Smith*, 926 F.2d 1027, 1030 (11th Cir. 1991) (quotation omitted).

As an initial matter, Griffin’s petition is addressed to the Supreme Court and one of its associate justices, rather than to us. To the extent that Griffin requests us to transfer her petition to the Supreme Court, that request is **DENIED**. If Griffin wishes to seek relief from the Supreme Court, she may file a petition for such relief in that Court, according to that Court’s rules.

Griffin is not entitled to mandamus relief from us. On its face, her petition requests the Supreme Court to take action, which is not relief we can provide. To the extent that any of her requests for relief are directed to us at all, *e.g.*, that we clarify caselaw regarding assignment of benefits and preemption by ERISA, reverse our own prior rulings, or sanction certain attorneys, those requests are not cognizable in mandamus, as they ask us to act. *Smith*, 926 F.2d at 1030. Accordingly, because Griffin has not asked us to confine an inferior federal court to its jurisdiction or duty, she does not request relief that is cognizable for us to provide in mandamus. *See id.*

Further, Griffin has, or had, adequate alternative remedies to the mandamus relief she seeks. *See Mallard*, 490 U.S. at 309. First, Griffin had the adequate alternative remedy of raising her legal arguments to us on appeal. *Id.* And to the extent that she wishes to

challenge our resolution of her cases, she has, or had, the adequate alternative remedy of seeking certiorari review in the Supreme Court. *Id.* To the extent that Griffin is trying to evade the normal requirements for filing a petition for a writ of certiorari with the U.S. Supreme Court, she is not entitled to mandamus relief. Griffin may not use a mandamus proceeding as a substitute for, or a circumvention of, appellate proceedings. *See Jackson*, 130 F.3d at 1004.

Accordingly, Griffin's mandamus petition is hereby **DENIED**.