

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-12811

In re: CAROL WILKERSON,

Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Southern District of Georgia
D.C. Docket No. 6:99-cv-00133-RSB-CLR

ORDER:

Carol Wilkerson, proceeding pro se, petitions this Court for a writ of mandamus, arising out of an employment action that she initiated in the U.S. District Court for the Southern District of Georgia. In 2022, the district court imposed a filing restriction against Wilkerson based on her history of abusing the litigation process. The filing restriction provides, among other things, that

any pleading that Wilkerson submits in her employment action will be docketed under seal and any pleading that the court determines to be frivolous will be deemed dismissed without further judicial action. As to the filing of new complaints, the restriction provides that, although the court will review new complaints submitted by Wilkerson, only complaints that the court determines present a plausible claim for relief will be approved for filing.

Wilkerson moves to proceed in forma pauperis (“IFP”) as to her mandamus petition. In her petition, Wilkerson argues that the district court has unreasonably delayed in ruling on a motion that she filed in May 2026 and requests that this Court compel the district court to rule.

Wilkerson seeks to file her mandamus petition IFP pursuant to 28 U.S.C. § 1915(a). Section 1915(a) provides that a United States court may authorize the commencement of any proceeding, without prepayment of fees, by a person who submits an affidavit that includes a statement of assets that she possesses and indicates that she is unable to pay such fees. This Court, however, may dismiss an action at any time if it determines that the allegation of poverty is untrue, or the action or appeal is frivolous. 28 U.S.C. § 1915(e)(2). Regardless of whether Wilkerson satisfies § 1915(a)’s poverty requirement, her motion to proceed IFP is nevertheless due to be denied, as her mandamus petition is frivolous.

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*,

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Inc., 130 F.3d 999, 1004 (11th Cir. 1997) (quotation omitted). Mandamus may be used to direct a district court to decide a pending case when there has been unreasonable delay in rendering a decision. See *Johnson v. Rogers*, 917 F.2d 1283, 1284 (10th Cir. 1990) (persuasive authority holding that a 14-month delay in ruling on a 28 U.S.C. § 2241 petition for no reason other than docket congestion was impermissible). 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. *Mallard v. United States Dist. Court*, 490 U.S. 296, 309 (1989).

“Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions.” *Procup v. Strickland*, 792 F.2d 1069, 1073 (11th Cir. 1986). “The court has a responsibility to prevent single litigants from unnecessarily encroaching on the judicial machinery needed by others.” *Id.* at 1074. To counter this threat, courts are authorized to restrict access to vexatious and abusive litigants. *Miller v. Donald*, 541 F.3d 1091, 1096 (11th Cir. 2008). While a court may severely restrict a litigant’s filings, it cannot completely foreclose a litigant from any access to the courts. *Procup*, 792 F.2d at 1074.

Here, the May 2026 motion does not appear on the district court docket, but Wilkerson attached a copy to her present petition. That copy shows that the court docketed the motion under seal. We assume that, consistent with Wilkerson’s filing restriction, the district court reviewed the May 2026 motion, determined that

it was frivolous, and deemed the motion dismissed without further action. Therefore, the question here is not whether the district court has unreasonably delayed in ruling on Wilkerson's motion. Instead, the question is whether Wilkerson can show that she has a clear and indisputable right to a writ of mandamus directing the district court to enter an order on her motion.

Wilkerson cannot establish that she has a clear and indisputable right to such relief because: (1) the district court had the authority to impose the filing restriction to protect its judicial function; and (2) the restriction does not entirely foreclose Wilkerson's access to the courts, as it still allows her to submit pleadings in her employment action and file new complaints.

Finally, even if the district court has not reviewed the motion, Wilkerson has failed to establish a non-frivolous claim of unreasonable delay, as she filed her mandamus petition less than four months after submitting her May 2026 motion.

Accordingly, Wilkerson's motion to proceed IFP is hereby **DENIED**, as her mandamus petition is frivolous.

/s/ Embry J. Kidd

UNITED STATES CIRCUIT JUDGE