

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**IN RE MICHAEL BEN GRAVES,**  
*Petitioner.*

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Miscellaneous Docket No. 988

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On petition for writ of mandamus to the Merit Sys-  
tems Protection Board in case no. SF3330100696-I-1.

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**IN RE MICHAEL BEN GRAVES,**  
*Petitioner.*

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Miscellaneous Docket No. 991

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On petition for writ of mandamus to the Merit Sys-  
tems Protection Board in case nos. SF333009725-I-1,  
SF3330090725-B-1, SF-3330090570-I-1,  
AND SF3330090570-B-1.

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ON PETITION

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Before BRYSON, SCHALL, and PROST, *Circuit Judges*.

PER CURIAM.

### ORDER

In the two above-captioned matters, Michael Ben Graves petitions for a writ of mandamus to vacate all "void" orders of the Merit Systems Protection Board and to provide discovery to Graves.

Mandamus is a drastic remedy reserved for extraordinary situations. See *Allied Chemical Corp. v. Daiiflon, Inc.*, 449 U.S. 33, 34 (1980). "The federal courts traditionally have used the writ 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.'" *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271, 289 (1988) (quoting *Roche v. Evaporated Milk Ass'n*, 319 U.S. 21, 26 (1943)). The burden is on the petitioner to establish that his right to issuance of the writ is clear and indisputable, *Allied*, 449 U.S. at 35, and that there is no other adequate remedy to attain the desired relief. *Mallard v. United States District Court*, 490 U.S. 296, 309 (1989).

Graves has not shown that he has no other adequate remedy to attain the desired relief, i.e., he has not shown that he could not raise issues concerning his requests for discovery within any timely petition for review to this court from a final Board decision. Instead, he makes only general assertions that he was denied discovery. We deny his petitions for writs of mandamus.

Accordingly,

IT IS ORDERED THAT:

The petitions for writs of mandamus are denied.

FOR THE COURT

NOV 16 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Michael Ben Graves  
Daniel B. Volk, Esq.

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**FILED**  
**U.S. COURT OF APPEALS FOR**  
**THE FEDERAL CIRCUIT**

**NOV 16 2011**

**JAN HORBALY**  
**CLERK**