

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF CHARLES COBB § No. 35, 2014
FOR A WRIT OF MANDAMUS §

Submitted: February 14, 2014
Decided: April 4, 2014

Before **HOLLAND, JACOBS**, and **RIDGELY**, Justices.

ORDER

This 4th day of April 2014, upon consideration of the petition of Charles Cobb for an extraordinary writ of mandamus, it appears to the Court that:

(1) Cobb seeks to invoke the original jurisdiction of this Court to issue a writ of mandamus to the Superior Court or, alternatively, to the Board of Parole. The State of Delaware has filed a response and motion to dismiss Cobb's petition. After careful review, we find that Cobb's petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be DISMISSED.

(2) On September 3, 2013, Cobb filed a writ of mandamus in the Superior Court, which requested the Superior Court to compel the Board of Parole to restore good time credits that Cobb contends the Board wrongfully ordered be forfeited on a sentence Cobb had completed serving. On January 27, 2014, Cobb filed his petition for a writ of mandamus with this Court,

requesting us to compel the Superior Court to rule on his petition for a writ of mandamus pending below. The Superior Court denied Cobb's petition on March 25, 2014. Accordingly, his petition seeking a writ of mandamus directed to the Superior Court is moot.

(3) Moreover, we have no jurisdiction to issue a writ of prohibition to the Board of Parole in the first instance. This Court's original jurisdiction to issue a writ of mandamus is limited to instances when the respondent is a court or judge.¹ The Board of Parole is not a judicial entity.²

NOW, THEREFORE, IT IS ORDERED that Cobb's petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

¹ *In re Hitchens*, 600 A.2d 37, 38 (Del. 1991).

² *In re Hall*, 1989 WL 27750 (Del. Feb. 23, 1989).