

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF LERON B. § No. 9, 2021
WILLIAMS FOR A WRIT OF §
MANDAMUS §

Submitted: February 19, 2021

Decided: February 22, 2021

Before **SEITZ**, Chief Justice; **VALIHURA** and **MONTGOMERY-REEVES**,
Justices.

ORDER

After careful consideration of the petition for an extraordinary writ of mandamus and the State’s answer and motion to dismiss, it appears to the Court that:

(1) The petitioner, Leron B. Williams, seeks to invoke the original jurisdiction of this Court, under Supreme Court Rule 43, to issue a writ of mandamus to the Department of Health and Social Services (“DHSS”)—specifically, the Division of Services for Aging and Adults with Physical Disabilities—in connection with a dispute currently pending in the Justice of the Peace Court between Williams and his siblings regarding, among other things, the care of their mother. The State has filed a motion to dismiss Williams’ petition on the ground that it manifestly fails to invoke this Court’s original jurisdiction.

(2) After careful consideration, we find that Williams’ petition manifestly fails to invoke the Court’s jurisdiction. As DHSS correctly notes, this Court’s original jurisdiction to issue a writ of mandamus is limited to situations where the

respondent is a court or a judge and does not extend to state agencies.¹ Accordingly, the petition must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the State's motion to dismiss is GRANTED, and the petition for the issuance of an extraordinary writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice

¹ Del. Const. art. IV, § 11(5); *In re Hitchens*, 600 A.2d 37, 38 (Del. 1991) (“[T]his Court’s original jurisdiction to issue a writ of mandamus is limited to instances when the respondent is a court or a judge thereof.”).