

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF CRAIG ANTHONY § No. 146, 2024
BROWN FOR A WRIT OF §
MANDAMUS §

Submitted: April 29, 2024

Decided: June 27, 2024

Before **VALIHURA, TRAYNOR**, and **LEGROW**, Justices.

ORDER

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

(1) The petitioner, Craig Anthony Brown, seeks to invoke the original jurisdiction of this Court, under Supreme Court Rule 43, to issue a writ of mandamus directing the Court of Chancery, which denied Brown’s motion to proceed *in forma pauperis* in that court, to accept and docket his pleadings without prepayment of the required filing fee. After careful review, we conclude that Brown’s petition manifestly fails to invoke this Court’s original jurisdiction and must therefore be dismissed.

(2) A writ of mandamus will issue to a trial court only if the petitioner can show: (i) a clear right to the performance of a duty; (ii) that no other adequate remedy is available; and (iii) that the trial court has arbitrarily failed or refused to perform

its duty.¹ “[I]n the absence of a clear showing of an arbitrary refusal or failure to act, this Court will not issue a writ of mandamus to compel a trial court to perform a particular judicial function, to decide a matter in a particular way, or to dictate the control of its docket.”²

(3) There is no basis for the issuance of a writ of mandamus here. Whether to grant *informa pauperis* status to a party is a matter left to the sound discretion of the trial court, and “mandamus will not lie to challenge the performance of a discretionary act.”³

NOW, THEREFORE, IT IS HEREBY ORDERED that the State’s motion to dismiss be GRANTED. The petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Gary F. Traynor
Justice

¹ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

² *Id.*

³ *In re Baker*, 2009 WL 1525928, at *1 (Del. June 2, 2009) (dismissing a petition for a writ of mandamus under similar circumstances).