

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

SHAHIDAH HAGANS,)
)
 Petitioner,) C.A. No.: K26M-04-015 NEP
)
 v.)
)
 JUSTICE OF THE PEACE COURT)
 NO. 11,)
)
 Respondent.)

Submitted: April 28, 2026
Decided: July 9, 2026

ORDER¹

Upon Petitioner’s Application to Proceed in Forma Pauperis
GRANTED

Upon Petitioner’s Petition for Writ of Mandamus
DISMISSED

Upon consideration of Petitioner’s petition and motion to proceed *in forma pauperis*, the Court finds as follows:

1. On April 27, 2026, Petitioner Shahidah Hagans (“Hagans”) filed an application to proceed *in forma pauperis*. According to the attached affidavit, Hagans has limited liquid assets, no present employment, receives approximately \$2000 a month in Social Security benefits, and has four dependents. The affidavit alleges facts sufficient to convince the Court that Hagans is unable to pay the filing costs, and Hagans’s motion to proceed *in forma pauperis* is therefore **GRANTED**.

¹ Citations in the form of “D.I. ____” refer to docket items.

Having made this determination, the Court must next review Hagens’s Petition for Writ of Mandamus pursuant to 10 *Del. C.* § 8803(b).²

2. The Court views *pro se in forma pauperis* civil suits generously.³ “All well-pled matters are accepted as true to determine whether . . . [a petitioner] can recover under any conceivable circumstances susceptible of proof”⁴ Nonetheless, the Court will not allow itself or prospective defendants “to become the victim[s] of frivolous or malicious claims” that are plainly “subject to a motion to dismiss under Superior Court Civil Rule 12(b)(6) or subject to a defense of immunity or subject to some other defect.”⁵ Although this matter involves Section 8803(b) review of a petition for writ of mandamus, rather than a motion to dismiss, the Court nevertheless evaluates the petition under the Rule 12(b)(6) standard.⁶ After granting an application to proceed *in forma pauperis*, Delaware law requires that the Court dismiss the underlying pleading if it is legally frivolous, factually

² Under § 8803(b), an *in forma pauperis* complaint is screened before service and must be dismissed if it is factually frivolous, malicious, or legally frivolous in light of well settled law. “A claim is factually frivolous where the factual allegations are ‘baseless, of little or no weight, value or importance, not worthy of serious attention or trivial.’” *Allen v. Coupe*, 2016 WL 676041, at *2 (Del. Super. Feb. 18, 2016) (quoting 10 *Del. C.* § 8801(4)). “A claim is legally frivolous where it is ‘based on an indisputably meritless legal theory.’” *Id.* (citing *Desmond v. Phelps*, 2011 WL 7144241, at *2 (Del. Super. Nov. 4, 2011) (quoting 10 *Del. C.* § 8801(7))). “A claim is malicious when ‘designed to vex, injure or harass, or one which is otherwise abusive of the judicial process or which realleges pending or previously litigated claims.’” *Jones v. Del. State Police*, 2019 WL 6170847, at *1 (Del. Super. Nov. 19, 2019) (quoting 10 *Del. C.* § 8801(8)).

³ *Parsons v. Dushuttle*, 2019 WL 1131956, at *1 (Del. Super. Mar. 8, 2019) (citing *Haines v. Kerner*, 404 U.S. 519, 520 (1972)).

⁴ *Fatir v. Records*, 2023 WL 6622214, at *2 (Del. Super. Oct. 11, 2023) (quoting *Johnson v. Howard*, 1999 WL 743902, at *1 (Del. Aug. 12, 1999)).

⁵ *Lee v. Johnson*, 1996 WL 944868, at *1 (Del. Super. June 4, 1996).

⁶ See *Allen*, 2016 WL 676041, at *2 (“Delaware courts have consistently followed the standards of Superior Court Civil Rule 12(b)(6) when considering motions to dismiss writ of mandamus petitions.”) (citations omitted).

frivolous, or malicious.⁷ A pleading that fails to state a claim upon which relief may be granted is deemed legally frivolous.⁸

3. “A writ of mandamus is an extraordinary remedy issued . . . to compel a lower court, agency, or public official to perform a nondiscretionary or ministerial duty”⁹ and may be issued only “when a [petitioner] is able to establish a clear legal right to the performance of a non-discretionary duty.”¹⁰ “[W]hen directed to an administrative agency or public official, mandamus will issue only to require performance of a clear legal or ministerial duty[,]” that is, “the duty must be prescribed with such precision and certainty that nothing is left to discretion or judgment.”¹¹ Even then, “[m]andamus is issuable not as a matter of right, but only in the exercise of sound judicial discretion.”¹² This “broad discretion” allows the Superior Court to deny a petition where, for example, the petitioner has another remedy available, granting the writ would be inequitable, events after filing render it moot, or granting the writ would be useless.¹³ Where substantial doubts exist as to the duty whose performance the writ is sought to coerce, or as to the right or power of the officer to perform the duty, the relief will be withheld.¹⁴

4. Construing the Petition generously, Hagans appears to allege that she is the subject of an active warrant arising from an incident in which she was the 911

⁷ *Sanders v. Dep’t of Just.*, 2020 WL 1171045, at *1 (Del. Super. Mar. 11, 2020) (citing 10 *Del. C.* § 8803(b)).

⁸ *Fatir*, 2023 WL 6622214, at *4 (quoting *Johnson*, 1999 WL 743902, at *1); *Marvel v. State*, 2014 WL 7009516, at *2 (Del. Super. Dec. 8, 2014) (citing *Cannon v. McCreanor*, 2003 WL 943247, at *2 (Del. Super. Mar. 6, 2003)).

⁹ *Allen*, 2016 WL 676041, at *2 (citing *Brittingham v. Town of Georgetown*, 113 A.3d 519, 524 (Del. 2015)).

¹⁰ *Darby v. New Castle Gunning Bedford Ed. Ass’n*, 336 A.2d 209, 210 (Del. 1975).

¹¹ *Guy v. Greenhouse*, 637 A.2d 827 (TABLE), 1993 WL 557938, at *1 (Del. Dec. 30, 1993).

¹² *Id.*

¹³ *Brittingham*, 113 A.3d at 524–25.

¹⁴ *Darby*, 336 A.2d at 210.

reporter.¹⁵ Hagans claims she attempted to challenge the warrant by filing a motion to quash in Justice of the Peace Court No. 11 (“JP Court”), but the JP Court refused to docket the motion and, on one occasion, denied the filing without review based on a claim of lack of jurisdiction over the matter.¹⁶ Hagans also alleges that she attempted to obtain relief from the Court of Common Pleas but was advised that the Court of Common Pleas would not intervene and would not issue a written order of denial.¹⁷ Finally, Hagans alleges that, despite several attempts to surrender to “neutral authorities,” she has been unable to do so in a manner she considers safe because of concerns she has with specific Dover Police Department officers.¹⁸

5. Ultimately, it appears to the Court that Hagans seeks two forms of relief: (1) an order from the Superior Court compelling the JP Court to docket her motion to quash, and (2) an order from the Superior Court directing that any surrender and adjudication of Hagans occur by video or in a neutral facility, such as the Kent County Courthouse, to protect her physical safety.¹⁹

6. Hagans has failed to state a claim for mandamus relief. Her Petition rests principally on the assertion that the JP Court had “zero discretion to refuse a filing” and that “[t]he duty to docket a motion is absolute.”²⁰ That premise is incorrect; mandamus does not issue merely because a petitioner asserts that a lower court should have accepted a filing. For example, in *Matter of Neal*, the Delaware Supreme Court dismissed a mandamus petition seeking to compel the Court of Chancery to accept certain filings where the petitioner “fail[ed] to identify any authority” requiring the Court of Chancery to accept the filings at issue.²¹ Applied

¹⁵ Verified Pet. for an Extraordinary Writ of Mandamus 1 (D.I. 1).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 2.

²⁰ *Id.*

²¹ No. 463, 2025, 2026 WL 1020617 (TABLE), at *1 (Del. Apr. 14, 2026).

here, Hagans identifies no statute, rule, order, or other authority requiring the JP Court to docket a filing styled as a motion to quash.

7. Indeed, although courts and clerks ordinarily accept filings presented in compliance with applicable rules, the duty to docket a filing is not absolute. Delaware law expressly provides, for example, that a medical negligence complaint must be accompanied by an affidavit of merit and, if the required affidavit is not filed with the complaint, “the Prothonotary or clerk of the court shall refuse to file the complaint and it shall not be docketed with the court.”²² Although the instant case appears to occur in the criminal context, the JP Court’s own civil rules likewise condition filing on payment of costs and fees or the granting of *in forma pauperis* status.²³ These examples defeat the categorical assertion that courts have “zero discretion” to refuse a filing.

8. The JP Court’s criminal rules independently foreclose Hagans’s claim. Justice of the Peace Court Criminal Rule 12(a) provides as follows:

Pleadings in criminal proceedings shall be the charging document and the pleas of not guilty, guilty, and *nolo contendere*. All other pleas, demurrers, and **motions to quash are abolished**, and defenses and objections raised before trial which heretofore could have been raised by one or more of them shall be raised only by motion to dismiss or to grant appropriate relief²⁴

Thus, the JP Court rules do not impose a clear, ministerial duty to docket every filing labeled as a motion to quash. To the contrary, Rule 12(a) supplies an apparent legal basis for treating Hagans’s filing as improper and refusing to docket it.

²² See 18 Del. C. § 6853(a)(1).

²³ See J.P. Ct. Civ. R. 3(e), 77(h)(2).

²⁴ J.P. Ct. Crim. R. 12(a) (emphasis added).

9. Even if the JP Court were compelled to docket Hagans’s filing, that relief would be futile. Given Rule 12(a)’s abolishment of motions to quash, the JP Court would dismiss Hagans’s motion upon its review. Absent a clear showing of an arbitrary refusal or failure to act, the Court “will not issue a writ of mandamus to compel a [lower] court to perform a particular judicial function, to decide a matter in a particular way, or to dictate the control of its docket.”²⁵

10. Hagans’s allegations concerning the Court of Common Pleas do not alter the analysis. Although Hagans alleges that she attempted to obtain relief from the Court of Common Pleas and was advised it would not intervene or issue a written denial,²⁶ the Court of Common Pleas is neither a named respondent in this action nor the entity against which Hagans seeks relief.

11. Hagans’s request for an order requiring any surrender or adjudication to occur by video or in a neutral facility fares no better. That request does not seek to compel a clearly prescribed ministerial act. Instead, granting that relief would require the Court to direct discretionary administrative, security, and law-enforcement arrangements involving persons or entities not before it. The Petition identifies no statute or rule imposing a clear, nondiscretionary duty on the JP Court to arrange surrender or adjudication in the manner Hagans requests.

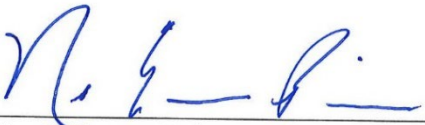
12. Accordingly, even accepting Hagans’s allegations as true and construing the Petition generously, the Petition fails to state a claim for mandamus relief. Hagans has not established an identifiable legal right to the performance of a clear, nondiscretionary duty. The Petition is therefore legally frivolous and must be dismissed.

²⁵ See *Matter of Reynolds*, No. 226, 2026, 2026 WL 1648983 (TABLE), at *1 (Del. June 5, 2026) (quoting *In re Bordley*, 545 A.2d 619, 620 (Del. 1988) (citations omitted)).

²⁶ Verified Pet. for an Extraordinary Writ of Mandamus 1 (D.I. 1).

WHEREFORE, in light of the preceding considerations, Hagans's Petition for the issuance of a Writ of Mandamus is **DISMISSED**.

IT IS SO ORDERED.



Noel Eason Primos, Judge

Via File & ServeXpress and U.S. Mail

oc: Prothonotary
Shahidah Hagans, *Pro Se* – *Via U.S. Mail*