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March 13, 2008

Appeal Number: 08-10484-H
Case Style: In Re: Cori Rigsby
District Court Number: 06-01752 CV-AR

CC: David A. Reiser

CC: Steven S. Greene

CC: Administrative File

Sharon Harris
Clerk, U.S. District Court
1729 5TH AVE N STE 140
BIRMINGHAM AL 35203-2050

March 13, 2008

Appeal Number: 08-10455-H
Case Style: In Re: Richard F. Scruggs
District Court Number: 06-01752 CV-AR-S

TO: Sharon Harris
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CC: Hon. William M. Acker Jr.
CC: Hon. Sharon Lovelace Blackburn
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CC: Administrative File

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

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The enclosed order has been entered. No further action will be taken in this matter.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Liz McDonald (404) 335-6187

Encl.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

MAR 13 2008

THOMAS K. KAHN
CLERK

No. 08-10455-H

IN RE:

RICHARD F. SCRUGGS,
SCRUGGS LAW FIRM, P.A.,

Petitioners.

No. 08-10484-H

IN RE:

CORI RIGSBY,
KERRI RIGSBY,

Petitioners.

On Petition for Writ of Mandamus to
the United States District Court for the
Northern District of Alabama

BEFORE: BARKETT, MARCUS, and PRYOR, Circuit Judges.

BY THE COURT:

On the Court's own motion, these petitions are hereby CONSOLIDATED.

“...[A] party is not entitled to mandamus merely because it shows evidence that, on appeal, would warrant reversal of the district court.” In re BellSouth Corp., 334 F.3d 941, 953 (11th Cir. 2003) (citation omitted). Mandamus is an extraordinary remedy requiring demonstrable injustice or irreparable injury; mandamus should ordinarily lie only if the district court’s order is patently erroneous and petitioners have shown a clear and undisputable right. Id. (collecting case). Furthermore, mandamus is an extraordinary remedy and will not lie if other remedies are available. See, e.g., In re United States, 985 F.2d 510, 511 (11th Cir. 1993).

Petitioners have not satisfactorily explained why an appeal would be inadequate to remedy their asserted injury, nor have they shown a clear and indisputable right to the extraordinary remedy of mandamus. See In re Corrugated Container Antitrust Litigation, 614 F.2d 958 (5th Cir. 1980) (cert. denied).¹ The petitions for writs of mandamus are therefore DENIED.

On the record before us, we find no reason to exercise our authority to reassign the pending matters to another judge. Petitioners’ requests to reassign the case are DENIED.

¹ See Bonner v. City of Pritchard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc) (published decisions of the former Fifth Circuit rendered before October 1, 1981, are binding on this Court)