

2016 WL 231995

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United States Court of Appeals,
District of Columbia Circuit.

In re [David Lee SMITH](#), Petitioner.

No. 15–5286.

|

Jan. 7, 2016.

Attorneys and Law Firms

David Lee Smith, Maury, NC, pro se.

Warden, Maury, NC, [R. Craig Lawrence](#), U.S. Attorney's
Office, Washington, DC, for Petitioner.

Before [KAVANAUGH](#) and [WILKINS](#), Circuit Judges, and
[GINSBURG](#), Senior Circuit Judge.

ORDER

PER CURIAM.

*1 Upon consideration of the petition for writ of mandamus;
the motion for release pending appeal; the motion for
summary reversal; and the motion to proceed on appeal in
forma pauperis, it is

ORDERED that the motion to proceed on appeal in forma
pauperis be granted. It is

FURTHER ORDERED that the motion for summary
reversal be denied. The merits are not so clear as to warrant
summary action. See *Taxpayers Watchdog, Inc. v. Stanley*,
819 F.2d 294, 297 (D.C.Cir.1987) (per curiam). It is

FURTHER ORDERED petition for writ of mandamus be
denied. Petitioner seeks reversal of the district court's order
denying his motions for reconsideration, but “it is well-settled
that the [mandamus] remedy may not be invoked as a mere
substitute for appeal.” *In re GTE Serv. Corp.*, 762 F.2d 1024,
1026–27 (D.C.Cir.1985). Indeed, petitioner has already noted
an appeal of the decision in question. See Case No. 155287.
It is

FURTHER ORDERED that the motion for release pending
appeal be dismissed as moot.

Pursuant to [D.C. Circuit Rule 36](#), this disposition will not be
published.

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