

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RONALD E. PROCTOR, JR.,	§	
	§	Nos. 624/625, 2001
Petitioner Below,	§	
Appellant,	§	CONSOLIDATED
	§	
v.	§	Court Below–Superior Court
	§	of the State of Delaware in
WARDEN R. KEARNEY, DIANE	§	and for Sussex County in
CAISSE, BETH PEPPER BECK,	§	C.A. Nos. 01M-07-005 and
HELEN LOWMAN, S/LT B.	§	01M-08-018.
BRASURE, LT. R. HOLLIS,	§	
	§	
Respondents Below,	§	
Appellees.	§	

Submitted: October 11, 2002

Decided: January 23, 2003

Before **HOLLAND, BERGER** and **STEELE**, Justices.

**ORDER**

This 23<sup>rd</sup> day of January 2003, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) Ronald Proctor is an inmate in the custody of the Department of Correction. Proctor is currently housed at the Delaware Correctional Center and has resided there since January 17, 2002. Prior to that date, Proctor was housed at the Sussex Correctional Institution (“SCI”).

(2) In 2001, Proctor filed two petitions for writs of mandamus with the Superior Court. The first petition, which was filed in July 2001, alleged

generally that staff at SCI did not provide Proctor with photocopies of documents to which he was entitled. The second petition, which was filed in August 2001, alleged generally that staff at SCI restricted the time that Proctor was permitted to conduct research in the prison law library.

(3) By separate orders entered on October 31, 2001, the Superior Court dismissed Proctor's mandamus petitions. This appeal followed.<sup>1</sup>

(4) In his opening brief on appeal, Proctor argues that he has "an inherent statutory conferred institutional policy and common law right of access to the courts and access to scribe materials to complete and file legal pleadings." Proctor contends that "mandamus was [the] proper remedy to obtain relief for acts directed at Proctor over a 1½ year period that caused numerous incidents of non-access and no access to any copy service [and to the law library]."

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<sup>1</sup>By Order dated March 25, 2002, the Court consolidated the appeals.

(5) The Superior Court may issue a writ of mandamus to a State officer, tribunal, board or agency to compel the performance of an official duty.<sup>2</sup> Mandamus is issuable not as a matter of right, but only in the exercise of sound judicial discretion.<sup>3</sup> The petitioner seeking mandamus relief must establish a clear right to the relief requested and that there is no other adequate remedy at law.<sup>4</sup>

(6) The Superior Court did not abuse its discretion when it denied Proctor's July 2001 mandamus petition. Proctor did not establish that he had a clear legal right to the relief that he requested.<sup>5</sup> Moreover, Proctor did not establish that the respondents violated a legal duty owed to him.

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<sup>2</sup>See Del. Code Ann. tit 10, § 564 (1999); Del Code Ann. tit. 29, § 10143 (1997).

<sup>3</sup>*Schagrin Gas Co. v. Evans*, 418 A.2d 997, 998 (Del. 1980).

<sup>4</sup>*In re Hyson*, 649 A.2d 807 (Del. 1994).

<sup>5</sup>Proctor's July 2001 mandamus petition sought the following relief: exemption from the "qualified immunity provisions of 10 Del. C. § 4001, et seq.," a temporary injunction to "permit copy service for all legal filings," notice to all inmates of a class certification, compensatory damages, and punitive damages.

(7) The Superior Court did not abuse its discretion when denying Proctor's August 2001 mandamus petition. Proctor did not establish that he had a clear legal right to the relief that he requested.<sup>6</sup> Moreover, Proctor did not establish that he was without an adequate legal remedy to address his claims.

NOW, THEREFORE, IT IS ORDERED that the judgments of the Superior Court are AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>6</sup>Proctor's August 2001 mandamus petition sought access to the law library, to paper, pens, legal assistance, and photocopy services, and to certification of the matter as a class action.