

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

FILED
August 29, 2007

Charles R. Fulbruge III
Clerk

No. 07-30762

In Re: UNITED STATES OF AMERICA

Petitioner

Petition for Writ of Mandamus to the United States
District Court for the
Eastern District of Louisiana, New Orleans

Before JOLLY and PRADO, Circuit Judges.*

PER CURIAM:

This petition for writ of mandamus has been filed by the government, seeking relief from the district court's order of August 24, 2007. That order appointed the Attorney General of the State of Louisiana as Guardian Ad Litem for approximately 350,000 persons who filed administrative claims against the United States for tort damages arising from flooding caused by Hurricane Katrina. The order further directs the Attorney General of Louisiana to file suit on behalf of those persons by today, August 29, 2007, under the Admiralty Extension Act and the Federal Tort Claims Act.

* This matter is being decided by a quorum because the third judge was recused. See 28 U.S.C. § 46(d).

While we do not doubt the good intentions of the district court, the district court acted without authority. Consequently, the petition for writ of mandamus is GRANTED and the referenced order is VACATED.

IT IS FURTHER ORDERED that the emergency motion to stay District Court's order of August 24, 2007 pending petition for writ of mandamus is DENIED as moot.