

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-3610
Conference Calendar

HERBERT H. WILLIAMS,

Plaintiff-Appellant,

versus

JOHN P. WHITLEY, Warden, Louisiana
State Penitentiary, and RICHARD P.
IEYOUB, Attorney General, State of
Louisiana,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CA 93-1880-E
- - - - -
(March 23, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:*

Herbert H. Williams appeals the denial of habeas corpus relief by the district court. Were Williams to prevail on his claim, he would receive a copy of the transcript he seeks. Success would not lead directly to immediate or early release. The district court, therefore, improperly characterized Williams' request for relief as a habeas corpus petition. See Rheuark v. Shaw, 547 F.2d 1257, 1259 (5th Cir. 1977).

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Because Williams seeks only an order compelling the state-court clerk to prepare the transcript and compelling the Supreme Court of Louisiana to allow him to raise certain issues before that court, his action amounts to a request for mandamus relief. See Moyer v. Clerk, DeKalb County Superior Court, 474 F.2d 1275, 1275-76 (5th Cir. 1973). "[A] federal court lacks the general power to issue writs of mandamus to direct state courts and their judicial officers in the performance of their duties where mandamus is the only relief sought." Id. at 1276; see Gray v. Savoie, No. 92-4090 (5th Cir. Apr. 23, 1992)(unpublished). The district court, therefore, lacked authority to grant Williams the relief he sought.

APPEAL DISMISSED. See 5th Cir. R. 42.2.