

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

December 18, 2014

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

In re:

MITCHELL PAUL MODELESKI, a/k/a
Paul Andrew Mitchell,

Petitioner.

No. 14-8081
(D.C. No. 2:14-CR-00027-NDF-2)
(D. Wyo.)

ORDER

Before **GORSUCH**, **O'BRIEN**, and **PHILLIPS**, Circuit Judges.

Although he is represented by court-appointed counsel, Mitchell Paul Modeleski on his own behalf, seeks a writ of prohibition in the nature of an order from this court “barring [district court judges] Nancy D. Freudenthal, Alan B. Johnson, and Scott W. Skavdahl from presiding any further at any time in the future” in his underlying case no. 14-CR-027-F. Pet. at 1. The record discloses that following the district court’s determination that Mr. Modeleski is not presently competent to stand trial, Judge Freudenthal entered an order on July 16, 2014, that absent extraordinary circumstances, the court would not take any action on filings by Mr. Modeleski on his own behalf.

On October 14, 2014, Mr. Modeleski filed on his own behalf an application to disqualify the above-named district court judges. Understandably, Judge Freudenthal has not taken any action on the application. Although Mr. Modeleski is required to

demonstrate extraordinary circumstances to have the district court consider his pro se application, he cannot circumvent this requirement by filing a petition for a writ of prohibition in this court, which is an attempt to end-run Judge Freudenthal's order restricting his filings.

The petition for a writ of prohibition is denied.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written over a horizontal dotted line.

ELISABETH A. SHUMAKER, Clerk