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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PATRICK OTIS NELSON,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>CALIFORNIA STATE SUPREME COURT; et al.,</p> <p>Respondents - Appellees.</p>

No. 08-16383

D.C. No. 2:07-cv-02209-LEW-KJM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Ronald S.W. Lew, District Judge, Presiding

Submitted February 18, 2009**

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Patrick Nelson, a California state prisoner, appeals pro se the denial of his mandamus petition seeking orders requiring the California Supreme Court and the State Bar of California to compel counsel to release work product so that he may

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

file a habeas corpus petition. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

In a mandamus action, a federal court has authority only to issue orders against employees, officers, or agencies of the United States. *See* 28 U.S.C. § 1361. We therefore affirm the denial of Nelson's petition. *See Kildare v. Saenz*, 325 F.3d 1078, 1084 (9th Cir. 2003).

AFFIRMED.