

909 F.2d 1489

Unpublished Disposition

NOTICE: THIS IS AN UNPUBLISHED OPINION.

(The Court’s decision is referenced in a “Table of Decisions Without Reported Opinions” appearing in the Federal Reporter. Use FI CTA9 Rule 36-3 for rules regarding the citation of unpublished opinions.)

United States Court of Appeals, Ninth Circuit.

James ROWLAND, Director, California Department of Corrections; Daniel Vasquez, Warden, et al., Petitioners,

v.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA,

Respondent,

Joseph Toussaint, et al., Real Parties in Interest.

No. 90-70103. | Aug. 6, 1990.

WRIT DENIED.

Before SCHROEDER and CANBY, Circuit Judges, and WILLIAM J. REA, District Judge.

**Opinion**

Footnotes

\* Honorable WILLIAM J. REA, United States District Judge for the Central District of California, sitting by designation.

**ORDER**

\*1 The petition for writ of mandamus is denied. Petitioners have not demonstrated that adequate relief will be unavailable on appeal. See *Organization For Reform of Marijuana Laws v. Mullen*, 828 F.2d 536, 542 n. 2 (9th Cir.1987) (“there is no prospect of irreparable harm from payment of ... fees ... because the money paid can be recouped”). Further, petitioners have not shown that the other factors set forth in *Bauman v. United States District Court*, 557 F.2d 650, 654-55 (9th Cir.1977) weigh in favor of granting the “extraordinary remedy” of writ of mandamus. Mandamus relief, therefore, is not appropriate. *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 108 S.Ct. 1133, 1143 (1988).

WRIT DENIED.

**Parallel Citations**

1990 WL 113649 (Table)