

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

_____ APPELLATE DISTRICT

Petitioner,

Superior Court Case No.: _____

vs.

The Superior Court of the State of
California, County of

PETITION FOR WRIT OF MANDATE

After failure of the Superior Court to set the matter for hearing By the

Honorable _____, Judge of the Superior Court,

County of _____

Name of Petitioner: _____

Address of Petitioner: _____

Telephone No. of Petitioner: _____

In propria persona

PETITION FOR WRIT OF MANDATE

TO THE HONORABLE PRESIDING JUSTICE AND TO THE HONORABLE
ASSOCIATE JUSTICES OF THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA:

Petitioner _____, respectfully petitions this Court for
a writ of mandate pursuant to Code of Civil Procedure section 1085 as follows:

1. Petitioner is _____ years old and is a resident of

2. On _____, 20____, petitioner filed a petition/application for

_____ in the Superior
Court of the State of California, County of _____.

(See Exhibit 1, attached hereto and incorporated herein by this reference.) Petitioner requested that the
Superior Court set a hearing on the matter.

3. On _____, 20____, petitioner wrote a letter to the Superior Court
asking the court to set a hearing on the matter. (See Exhibit 2, attached hereto and
incorporated herein by this reference.) The Superior Court has not set a hearing on this
matter, and refuses to set a hearing on this matter.

4. By this petition, petitioner seeks an order of this Court directing the
Superior Court to set the matter for hearing.

5. Petitioner has been harmed by the failure of the Superior Court to set this
matter for hearing in that petitioner is entitled to a hearing, and the failure of the Superior

Court to set the matter for hearing is resulting in an unlawful restraint on petitioner's liberty.

6. Petitioner has no administrative remedy available to him to compel the Superior Court to set this matter for hearing. Petitioner has no plain, speedy or adequate remedy in the ordinary course of the law to compel the Superior Court to set this matter for hearing. Mandate pursuant to Code of Civil Procedure section 1085 is the appropriate remedy for failure of the Superior Court to set the matter for hearing. *See, e.g., People v. Superior Court (Stein)*, 239 Cal.App.2d 99, 102 (1965), 2 Witkin, California Procedure, Jurisdiction §351, pp. 941-43 (4th ed. 1996).

WHEREFORE petitioner prays that:

1. A peremptory writ of mandate issue from this Court directing the Superior Court to immediately set the matter for hearing, or that

2. An alternative writ of mandate issue from this Court directing the Superior Court to immediately set the matter for hearing or in the alternative to show cause before this Court at a specified time and place why the relief prayed for should not be granted, and that

3. Petitioner be granted such other and further relief as this Court deems just.

Date: _____

Respectfully submitted,

By: _____
Petition in propria persona

VERIFICATION

I am the petitioner in this action. All facts alleged in the above petition are true of my own personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

Signed: _____

(Print Name)