



State Law Alternatives for Medicaid Enforcement: Issue Brief 1 – Writs of Mandamus

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I. Introduction

Recent decisions from the U.S. Supreme Court have continued to maintain the high hurdle that plaintiffs must clear to enforce various requirements of the Medicaid Act through 42 U.S.C. § 1983.¹ Some federal courts have also grown increasingly hostile to impact litigation that seeks to hold states accountable for the unlawful administration of their social services programs.² This environment presents an opportunity for advocates to examine whether legal claims in state courts can provide an avenue to enforce and improve access to health care for low-income and underserved individuals.

This issue brief will cover Writs of Mandamus. It is the first in a series of issue briefs that will examine various state law legal claims that advocates may want to pursue to strengthen their state's Medicaid program. Future issue briefs will discuss State Administrative Procedure Act Claims, State Constitutional Claims, and State Anti-Discrimination Law Claims. The issue brief series will provide a general overview of the legal concepts and typical issues that govern each of these claims. Advocates, however, should thoroughly research their own state's laws before pursuing any of these legal actions. Finally, if there are additional topics you would like us to cover, please reach out to NHeLP.

¹ See, e.g., *Medina v. Planned Parenthood S. Atl.*, 606 U.S. 357, 385 (2025) (holding that 42 U.S.C. § 1396a(a)(23) is not privately enforceable through § 1983).

² See, e.g., *Jonathan R. v. Morrisey*, 768 F. Supp. 3d 756, 759 (S.D.W. Va. 2025) *appeal docketed* No. 25-1239 (4th Cir. Mar. 13, 2025) (dismissing a case *sua sponte* because of the judge's view that "[c]onstitutional limits prevent the court from crafting public policy and administering state agencies").

II. Writs of Mandamus

A. Background

Mandamus is generally defined as “[a] writ issued by a court to compel performance of a particular act by a lower court or a governmental officer or body, usually to correct a prior action or failure to act.”³ “A writ of mandate is an extraordinary remedy available in only rare cases.”⁴

Numerous states have statutory provisions that allow individuals to file petitions for a writ of mandamus. Attachment A to this issue brief cites to state mandamus statutes, grouping like states together. When considering a mandamus action, advocates can refer to cases from other states that are applying similarly worded mandamus statutes. In other jurisdictions, writs of mandamus are grounded in common law.⁵

B. Elements of Mandamus

For a court to grant a writ of mandamus, a petitioner typically must show three basic elements. First, the petitioner must have “a clear legal right to the requested relief.” Second, the respondent must have “an indisputable legal duty to perform the requested action.” Third, the petitioner must show that there is “no other adequate remedy available.”⁶

1. Clear legal right to requested relief

First, a mandamus petition must establish that a petitioner has a clear legal right to the requested relief. A clear legal right is one that derives from “unequivocal, well-settled (i.e., from extant statutory, constitutional, or case law sources), and clearly controlling legal principles.”⁷ The legal right at issue should be “specific” and indicate “the precise thing to be done.”⁸ Consequently, mandamus petitions that seek broad and vague relief such as requiring respondents to “adhere to the Constitution” are likely to be unsuccessful.⁹ Moreover, mandamus is typically only available for a “public right” that is

³ MANDAMUS, Black’s Law Dictionary (12th ed. 2024).

⁴ *Yellowstone Disposal, LLC v. Dep’t of Env’t Quality*, 503 P.3d 1097, 1100 (Mont. 2022) (quotations omitted).

⁵ In addition, mandamus claims may be brought in federal court under 28 U.S.C. § 1361. The essential elements of a state law and federal mandamus action are similar.

⁶ *Mayfield v. Sec’y, Fla. Dep’t of State*, 402 So.3d 1002, 1005 (Fla. 2025).

⁷ *Bowen v. Carnes*, 343 S.W.3d 805, 810 (Tex. Crim. App. 2011).

⁸ *Walker v. Munro*, 879 P.2d 920, 924 (Wash. 1994).

⁹ *Id.*

to be performed by a “public officer.”¹⁰ As a result, “[m]andamus is not an appropriate remedy for the redress of private contract rights.”¹¹

2. Indisputable legal duty to perform the requested action

Second, a petitioner must show that the respondent has an indisputable legal duty to perform the requested action. Mandamus petitions are appropriate to compel a government official or agency to perform a ministerial, nondiscretionary duty. “A ministerial duty is one regarding which nothing is left to discretion—a simple and definite duty, imposed by law, and arising under conditions admitted or proved to exist.”¹²

Thus, mandamus cannot be used to compel performance of a “discretionary” duty. “A discretionary duty or act is one involving the exercise of discretion and judgment, or personal deliberation, decision, and judgment.”¹³ Although this distinction between mandatory and discretionary duties may appear clear, advocates should recognize that the application of the standard can set quite a high bar.¹⁴

“Mandamus cannot be used to compel the performance of discretionary acts in a particular way.”¹⁵ Similarly, “[m]andamus is not an appropriate remedy to obtain a review of the decision of public officers who have acted and to command them to act in a new and different manner.”¹⁶ However, “a court may issue a writ of mandamus to a

¹⁰ *Williams v. Dorethy*, 151 N.E.3d 675, 676 (Ill. Ct. App. 2019).

¹¹ *State ex rel. Fick v. Miller*, 584 N.W.2d 809, 817 (Neb. 1998). As described below, some courts have held that mandamus is not available for Medicaid Act claims because of the “contractual” nature of spending power legislation. *See infra* Part II.D.

¹² *Maple Run Unified Sch. Dist. v. Vermont Hum. Rts. Comm’n*, 311 A.3d 139, 144 (Vt. 2023).

¹³ *Hamblen ex rel. Byars v. Kentucky Cabinet for Health & Fam. Servs.*, 322 S.W.3d 511, 517 n.7 (Ky. Ct. App. 2010) (quoting *Yanero v. Davis*, 65 S.W.3d 510, 522 (Ky. 2001)).

¹⁴ *See, e.g., Siskiyou Hosp., Inc. v. Cnty. of Siskiyou*, 330 Cal. Rptr. 3d 221, 244 (Cal. Ct. App. 2025), *review denied* (May 28, 2025) (concluding that the reasonable promptness provision of the Medicaid Act does not create a ministerial duty because it does not direct respondents “to act at any particular moment or within any specific time period.”); *accord Id.* at 245 (rejecting disability discrimination claims because Hospital “failed to identify any clear legal mandate requiring the County or the Department to affirmatively act in any particular way upon learning of the facts alleged in the operative complaint....”).

¹⁵ *Lamar Advert. Co. v. Zoning Hearing Bd. of Municipality of Monroeville*, 939 A.2d 994, 999 (Pa. Commw. Ct. 2007).

¹⁶ *Bos. Med. Ctr. Corp. v. Sec’y of Exec. Off. of Health & Hum. Servs.*, 974 N.E.2d 1114, 1133 (Mass. 2012).

public official compelling the official to make a discretionary decision, as long as the court does not require a particular result.”¹⁷ In other words, “[m]andamus is a device that is available in our system to compel a tribunal or administrative agency to act when that tribunal or agency has been ‘sitting on its hands.’”¹⁸

3. No other adequate remedy available

The third element of a mandamus claim requires a petitioner to show that “no other adequate remedy” is available. For an alternative remedy to be considered “adequate,” it must “be complete, beneficial, and speedy.”¹⁹ An adequate alternative remedy “must be equally as convenient, beneficial, and effective as the proceeding by mandamus.”²⁰

“An administrative appeal generally constitutes an adequate remedy in the ordinary course of law that precludes a writ of mandamus.”²¹ Consequently, a “party aggrieved by an administrative decision must exhaust any available, nonduplicative administrative review procedures before challenging the decision in court.”²² Courts have concluded that a “failure to pursue an adequate administrative remedy bars the requested mandamus relief as a matter of law.”²³ As a result, mandamus should not be used if relief can be obtained through a Medicaid state fair hearing, a state Administrative

¹⁷ *In re T.H.T.*, 665 S.E.2d 54, 59 (N.C. 2008).

¹⁸ *Pennsylvania Dental Ass'n v. Com. Ins. Dep't*, 516 A.2d 647, 652 (Pa. 1986); *see also Cnty. of Chemung v. Shah*, 66 N.E.3d 1044, 1054 (N.Y. 2016) (“Mandamus is used to enforce an administrative act positively required to be done by a provision of law.”); *Common Cause v. Bd. of Supervisors*, 777 P.2d 610, 615 (Cal. 1989) (“Mandamus may issue, however, to compel an official both to exercise his discretion (if he is required by law to do so) and to exercise it under a proper interpretation of the applicable law.”).

¹⁹ *State ex rel. Am. Legion Post 25 v. Ohio Civ. Rts. Comm.*, 884 N.E.2d 589, 594 (Ohio 2008).

²⁰ *Cartwright v. Commonwealth Transp. Com'r of Virginia*, 613 S.E.2d 449, 452 (Va. 2005) (quoting *Carolina, C & O Ry. v. Board of Supervisors*, 63 S.E. 412, 413 (Va. 1909)).

²¹ *State ex rel. Natl. Emps. Network All., Inc. v. Ryan*, 925 N.E.2d 947, 947 (Ohio 2010).

²² *City of Fillmore v. Bd. of Equalization*, 125 Cal. Rptr. 3d 186, 192 (Cal. Ct. App. 2011).

²³ *Ohio Acad. of Nursing Homes, Inc. v. Ohio Dep't of Job & Fam. Servs.*, 172 N.E.3d 470, 478 (Ohio Ct. App. 2021); *see also Walton v. New York State Dept. of Correctional Servs.*, 863 N.E.2d 1001, 1006 (N.Y. 2007) (holding that “[t]hose who wish to challenge agency determinations under [New York’s mandamus statute] may not do so until they have exhausted their administrative remedies.”); *Finfrock v. Fla. Civ. Commitment Ctr.*, 34 So. 3d 777, 778 (Fla. Dist. Ct. App. 2010) (holding that “the exhaustion requirement applies to mandamus petitions” filed by civilly committed individuals).

Procedure Act (APA), or other administrative appeal process that is available under state law.

However, the “exhaustion of remedies doctrine does not apply when no specific administrative remedy [is] available to the plaintiffs.”²⁴ Moreover, exhaustion of administrative remedies is not required if exhaustion would be “futile.”²⁵ Exhaustion of administrative remedies may be futile when it will not “afford[] an opportunity for [petitioner] to secure the relief desired.”²⁶ In particular, exhaustion is futile when an appeal to an administrative agency “would result in a decision on the same issue by the same body.”²⁷ Consequently, when drafting a mandamus petition, advocates should either plead that administrative remedies have been exhausted, or that exhausting such remedies would be futile because the agency would not change the challenged action if an administrative appeal was pursued.

As this overview has shown, mandamus actions are limited in nature and cannot be used to challenge every unlawful agency action. Rather, mandamus “will not issue unless the petitioner demonstrates a clear and indisputable right to the relief requested and a lack of other means to redress adequately the alleged wrong or to obtain the requested action.”²⁸ Advocates should employ mandamus actions only when government officials have failed to comply with a clear ministerial duty. Examples of potential Medicaid mandamus claims are described below.

C. Potential Medicaid Claims

1. Agency officials refuse to act

In the context of Medicaid enforcement, mandamus will be most appropriate in cases where state Medicaid officials are refusing to act as required by state law. “An executive agency may have a clear legal duty when there is a statute that plainly instructs that agency to perform a certain action.”²⁹ Consequently, if a government official is “under a statutory duty to provide relief,” then “mandamus is the proper remedy to compel

²⁴ *Powell v. Cnty. of Humboldt*, 166 Cal. Rptr. 3d 747, 753 (Cal. Ct. App. 2014).

²⁵ *State ex rel. Cotterman v. St. Marys Foundry*, 544 N.E.2d 887, 889 (Ohio 1989).

²⁶ *State ex rel. Bd. of Educ. of Kanawha Cnty. v. Casey*, 349 S.E.2d 436, 439 (W. Va. 1986).

²⁷ *DeKalb Cnty. v. Cooper Homes*, 657 S.E.2d 206, 208 (Ga. 2008) (quoting *WMM Properties v. Cobb County*, 339 S.E.2d 252 (Ga. 1986)).

²⁸ *Kelepolo v. Fernandez*, 468 P.3d 196, 201 (Haw. 2020).

²⁹ *Barrow v. Wayne Cnty. Bd. of Canvassers*, 991 N.W.2d 610, 617 (Mich. Ct. App. 2022).

respondents to perform their duty.”³⁰ “Mandamus has long been recognized as the appropriate means by which to challenge a government official’s refusal to implement a duly enacted legislative measure.”³¹

For example, courts have granted mandamus petitions when state officials refuse to act in a timely way on applications for benefits³² or refuse to hold a requested administrative hearings.³³ Mandamus claims are appropriate in these circumstances where “no statutory right of appeal is available to correct an abuse of discretion by an administrative body,” namely the failure of the agency to act on the matter at all.³⁴ These types of mandamus claims should focus on instances where a government official is refusing to take any action on an application or hearing request, and not in cases where government officials have acted on the application or hearing request in a way that the petitioner contests.³⁵ Disagreements with these types of agency actions are properly raised through the administrative appeal process required by 42 U.S.C. § 1396a(a)(3), and then further appeal to state court, typically through the state’s APA.

2. Agency officials ignore statutory limits

A more difficult but possible mandamus claim may exist when an agency is repeatedly applying a legal standard that is contrary to law. Mandamus may issue to require an official to exercise discretion “under a proper interpretation of the applicable law.”³⁶ In

³⁰ *State ex rel. Arteaga v. Silverman*, 201 N.W.2d 538, 541 (Wis. 1972).

³¹ *Morris v. Harper*, 114 Cal. Rptr. 2d 62, 65 (Cal. Ct. App. 2001).

³² See *Fraternal Ord. of Police, Lodge 35 v. Montgomery Cnty., Maryland*, 2020 WL 974223, at *8 (Md. Ct. Spec. App. Feb. 28, 2020); see also *Meares v. Town of Beaufort*, 667 S.E.2d 244, 250 (N.C. Ct. App. 2008) (mandamus warranted when town refused to act on the petitioner’s zoning application).

³³ *Salem v. Guinn*, No. 905551-24, 2025 WL 3990250, at *7 (N.Y. Sup. Ct. Dec. 11, 2025); *Simmons v. State, Agency for Health Care Admin.*, 950 So. 2d 431, 432 (Fla. Dist. Ct. App. 2007); *Allen v. State, Hum. Rts. Comm’n*, 324 S.E.2d 99, 127 (W. Va. 1984).

³⁴ *State ex rel. Pipoly v. State Tchrs. Ret. Sys.*, 767 N.E.2d 719, 722 (Ohio 2022).

³⁵ See, e.g., *Lindon v. Sec’y of Hous. & Econ. Dev.*, 190 N.E.3d 510, 512 (Mass. 2022) (noting that the petitioner’s disagreement with the denial of her application for housing assistance “does not entitle her to mandamus relief”).

³⁶ *Common Cause v. Bd. of Supervisors*, 777 P.2d 610, 615 (Cal. 1989); see also *California Corr. Supervisors Org., Inc. v. Dep’t of Corr.*, 117 Cal. Rptr. 2d 595, 596 (Cal. Ct. App. 2002) (“Where only one choice can be a reasonable exercise of discretion, a court may compel an official to make that choice.”).

other words, mandamus “may be used to compel the agency to follow its own rules.”³⁷ Mandamus may also be appropriate if an agency is acting “unlawfully or wholly outside its jurisdiction or authority or has exceeded its jurisdiction,”³⁸ or if an “agency’s actions are clearly unconstitutional or ultra vires.”³⁹

Prior to filing these types of claims, advocates should review their state’s APA to ensure that there is no relief available through that statute. As discussed above, mandamus is not an option if there is another adequate legal remedy, and thus a mandamus claim will likely fail if an APA claim can be brought.⁴⁰ Nevertheless, courts have recognized that a mandamus action may be brought when an APA challenge is unavailable.⁴¹

Advocates should focus these claims on enforcing state statutes that contain unambiguous terms that give agencies no discretion for decision making.⁴² Statutes that use ambiguous terms or apply a “reasonableness” test will likely give agency officials discretion in their decision-making and thus preclude a mandamus action.⁴³ Advocates should also focus on prospective relief that compels future agency action, rather than past wrongs committed by agency officials. Courts have recognized that mandamus cannot be used “to correct or undo an action already taken . . . however erroneous it may have been.”⁴⁴ Some jurisdictions, however, will permit damages claim for past harms that arise if an agency is failing to carry out a ministerial duty.⁴⁵

³⁷ *Williams v. James*, 684 So. 2d 868, 869 (Fla. Dist. Ct. App. 1996); *see also Maryland Transp. Auth. v. King*, 799 A.2d 1246, 1253 (Md. 2002) (Mandamus may lie “to enforce administrative compliance with procedural requirements or duties.”).

³⁸ *State ex rel. Off. of Pub. Couns. v. Pub. Serv. Comm’n of State*, 236 S.W.3d 632, 635 (Mo. 2007).

³⁹ *Raynes Assocs. Ltd. P’ship v. State Div. of Hous. & Cmty. Renewal*, 536 N.Y.S.2d 367, 369 (N.Y. Sup. Ct. 1988).

⁴⁰ *See supra* Part II.B.3.

⁴¹ *See, e.g., Bird v. Willis*, 927 P.2d 547, 552 (Okla. 1996) (holding that APA review was not available, but that petitioners could still pursue a mandamus action).

⁴² As discussed in detail below, a state law mandamus claim that attempts to enforce a duty created by federal law may be removed to federal court. *See infra* Part II.D.

⁴³ *See, e.g., Woodside Manor Nursing Home, Inc. v. Zucker*, 204 N.Y.S.3d 256, 262 (NY. App. Div. 2024) (holding that “whether something has taken place within a reasonable time” is discretionary and precludes mandamus relief).

⁴⁴ *Beasley v. Flathead Cnty. Bd. of Adjustments*, 205 P.3d 812, 814 (Mont. 2009).

⁴⁵ *See, e.g., CB by Next Friend Macika v. Livingston Cnty. Cmty. Mental Health*, 27 N.W.3d 355, 358 (Mich. Ct. App. 2023).

3. Compelling public records

In addition, mandamus may be used to gain access to public records when government officials are non-responsive to requests for information.⁴⁶ Courts have recognized that a mandamus petition seeking records should be construed “liberally in favor of broad access and resolve any doubt in favor of disclosure of public records.”⁴⁷

4. Enforcing prior orders

Mandamus can also be pursued to enforce compliance with administrative orders that an agency is choosing to ignore.⁴⁸ These types of claims are consistent with the idea that mandamus is appropriate when government officials are refusing to act as required by law.

While the above discussion illustrates a range of potential actions, mandamus has been unsuccessful in other types of Medicaid enforcement actions. Courts have repeatedly rejected attempts to use mandamus to compel the payment of different rates for Medicaid services. A court determined that mandamus was unavailable for this type of claim because “the determinations at issue ‘involve the exercise of reasoned judgment which could typically produce different acceptable results,’ rather than the performance of purely ministerial acts.”⁴⁹ Courts have also rejected attempts to use mandamus to change the way existing services are delivered.⁵⁰ Advocates should carefully consider whether the elements of a mandamus action can be satisfied before pursuing their claims.

⁴⁶ *State ex rel. Dist. 1199, Health Care & Soc. Serv. Union, SEIU, AFL-CIO v. Gulyassy*, 669 N.E.2d 487, 490 (Ohio Ct. App. 1995) (Mandamus is appropriate when a “keeper of public records fails to comply with . . . requirements for public access to public records”); *Deeson Media, LLC v. City of Tampa*, 291 So. 3d 974, 975 (Fla. Dist. Ct. App. 2019) (“[A] petition for writ of mandamus is an appropriate vehicle to challenge the denial of a public records request.”)

⁴⁷ *State ex rel. Toledo Blade Co. v. Toledo-Lucas Cty. Port Auth.*, 905 N.E.2d 1221, 1225 (Ohio 2009).

⁴⁸ *Janek v. Harlingen Fam. Dentistry, P.C.*, 451 S.W.3d 97, 99 (Tex. App. 2014); *Odita v. Ohio Dep’t of Hum. Serv.*, 623 N.E.2d 140, 146 (Ohio Ct. App. 1993).

⁴⁹ *Evercare Choice, Inc. v. Zucker*, 193 N.Y.S.3d 354, 362 (N.Y. App. Div. 2023) (quoting *Alliance to End Chickens as Kaporos v. New York City Police Dept.*, 114 N.E.3d 1070, 1070 (N.Y. 2018)).

⁵⁰ *Marquez v. State Dep’t of Health Care Servs*, 192 Cal. Rptr. 3d 391, 418 (Cal. 2015), *as modified on denial of reh’g* (Sept. 30, 2015).

D. Avoiding Removal to Federal Court

In addition to the above considerations, advocates should be mindful that respondents may try to remove a mandamus petition that seeks to enforce Medicaid-related legal requirements to federal court. Typically, mandamus petitions in state court should focus on enforcing ministerial duties set forth in state law. It is possible for “Medicaid recipients and providers [to] seek a writ of mandate [in state court] to compel compliance with those provisions of federal law that create a ministerial duty and vest the provider or recipient with a right to performance of that duty.”⁵¹ However, states may try to remove these types of mandamus petitions to federal court and then argue that the petition should be dismissed because it seeks to enforce a Medicaid provision that is not privately enforceable through 42 U.S.C. § 1983.

The “well-pleaded complaint” rule sets forth that federal court jurisdiction is proper “if a well-pleaded complaint established that its right to relief under state law requires resolution of a substantial question of federal law in dispute between the parties.”⁵² As a result, a respondent may be successful in removing a state court mandamus petition if that petition raises a “substantial question of federal law.” While removal to federal court may not necessarily mean that the state law mandamus claim will be dismissed,⁵³ it could make a successful outcome more difficult and, at the very least, more resource intensive. Moreover, some federal courts have recognized that a mandamus petition cannot be used to enforce portions of the Medicaid Act that have been found unenforceable through 42 U.S.C. § 1983.⁵⁴ Courts have reasoned that mandamus is not available for spending power legislation that creates “contractual rights between the federal government and the state” because “mandamus is not an appropriate remedy

⁵¹ *Santa Rosa Mem'l Hosp., Inc. v. Kent*, 236 Cal. Rptr. 3d 199, 204–05 (Cal. Ct. App. 2018); see also *Frank v. Kizer*, 261 Cal. Rptr. 882, 884 (Cal. Ct. App. 1989), *reh'g denied and opinion modified* (Sept. 25, 1989) (granting writ of mandamus to enforce 10-day notice requirements of 42 C.F.R. § 431.230(a)).

⁵² *Franchise Tax Bd. of State of Cal. v. Constr. Laborers Vacation Tr. for S. California*, 463 U.S. 1, 13 (1983).

⁵³ See *Indep. Living Ctr. of S. California, Inc. v. Kent*, 909 F.3d 272, 281 (9th Cir. 2018) (concluding that removal was proper, but that appellant’s mandamus petition was “properly characterized as a state-law cause of action”).

⁵⁴ See *Tulare Loc. Health Care Dist. v. California Dep't of Health Care Servs.*, 328 F. Supp. 3d 988, 998 (N.D. Cal. 2018) (holding plaintiffs could not enforce 42 U.S.C. § 1396a(a)(30)(A) through a mandamus petition because it was unenforceable through § 1983).

for enforcing a contractual obligation against a public entity.”⁵⁵

If a respondent attempts to remove a mandamus petition to federal court, there are arguments in response. Advocates may be able to argue that the case should be remanded because the well-pleaded complaint rule does not apply. Simply because Medicaid is governed by federal law does not mean that a “substantial federal question” exists that gives rise to federal jurisdiction in every case. Some courts have recognized that “[a]bsent allegations that a State’s plan or practices conflict with a specific federal mandate, no substantial federal question exists.”⁵⁶ Moreover, depending on state law, advocates may be able to establish that while they have standing under state law, their complaint does not meet federal Article III standards.⁵⁷ Finally, even if remand is not successful, advocates may still be able to argue that a mandamus petition is proper. Some courts have recognized that petitioners can pursue mandamus even if a private right of action to enforce the statute does not exist.⁵⁸

III. Conclusion

Writs of mandamus are extraordinary remedies that can be challenging to obtain. However, if Medicaid officials are plainly failing to comply with a clear, non-discretionary legal duty set forth in state law or acting outside the clear boundaries of the state law, then mandamus may provide an avenue to hold these officials accountable and secure relief for Medicaid enrollees. NHeLP is available to provide technical assistance to help advocates frame, plead, and litigate a petition for a writ of mandamus. Please reach out to us if you are considering such a claim.

⁵⁵ See *Stallo v. Mount San Jacinto Cmty. Coll. Dist.*, No. E081215, 2025 WL 3511455, at *5 (Cal. Ct. App. Dec. 5, 2025), *reh’g denied* (Dec. 15, 2025) (citing *Medina*, 606 U.S. at 373 and *300 DeHaro St. Invs. v. Dep’t of Hous. & Cmty. Dev.*, 75 Cal. Rptr. 3d 98, 110 (Cal. Ct. App. 2008)).

⁵⁶ *Canfield v. Fucillo*, No. CIV.A. 2:12-09110, 2013 WL 3821430, at *3 (S.D. W.Va. July 23, 2013) (remanding mandamus petition to West Virginia state court).

⁵⁷ See, e.g., *Brain Inj. Pol’y Inst. v. Shewry*, No. C 06-2973 SI, 2006 WL 2237732, at *3 (N.D. Cal. July 31, 2006) (remanding case back to state court because plaintiffs alleged only general taxpayer standing and did not allege an injury-in-fact sufficient to meet Article III standing requirements).

⁵⁸ See *Gassman v. Clerk of the Cir. Ct. of Cook Cnty.*, 71 N.E.3d 783, 790 (Ill. App. Ct. 2017); *California Assn. for Health Servs. at Home v. State Dep’t of Health Servs.*, 56 Cal. Rptr. 3d 102, 109 (Cal. Ct. App. 2007).

APPENDIX A – State Mandamus Statutes⁵⁹**Quick Reference: States with Similar Statutory Language (as of 11/2025)**

*** Please note Boolean Search Term used to compile chart at end of document ***

Language	States
<p>“A writ of mandamus may be issued by the supreme or superior court to any person, inferior tribunal, corporation or board, though the governor or other state officer is a member thereof, on the verified complaint of the party beneficially interested, to compel, when there is not a plain, adequate and speedy remedy at law, performance of an act which the law specially imposes as a duty resulting from an office, trust or station, or to compel the admission of a party to the use and enjoyment of a right or office to which he is entitled and from which he is unlawfully precluded by such inferior tribunal, corporation, board or person.” (example taken from ARIZ. REV. STAT. § 12-2021)</p>	<p>Arizona California Minnesota Nebraska New Mexico Oregon</p>
<p>“A civil action to obtain relief formerly available by writ of mandamus may be brought in the supreme judicial or superior court or, if the matter involves any right, title or interest in land, or arises under or involves the subdivision control law, the zoning act, or municipal zoning, or subdivision ordinances, by-laws or regulations, in the land court.” (example taken from MASS. GEN. LAWS ch. 249 § 5)</p>	<p>Massachusetts New York</p>
<p>Defining Mandamus: “As used in this chapter, unless the context otherwise requires: “Writ of mandamus” means an order of the circuit court granted upon the petition of an aggrieved party or the state when the public interest is affected, commanding an executive, judicial, or ministerial officer to perform an act or omit to do an act, the performance or omission of which is enjoined by law” (example taken from ARK. CODE § 16-115-101)</p>	<p>Arkansas Ohio</p>

⁵⁹ Our thanks to Kyrah Berthiaume, Class of 2026, ASU Sandra Day O’Connor College of Law, for her work on this chart.

<p>Statutes providing detail, context, or direction to court-created definitions and uses of mandamus</p>	<p>Illinois</p> <p>West Virginia</p> <p>Wisconsin</p>
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Mandamus Statutes

State	Statute	Relevant Language
<p>Arizona</p>	<p>ARIZ. REV. STAT. § 12-2021</p>	<p>“A writ of mandamus may be issued by the supreme or superior court to any person, inferior tribunal, corporation or board, though the governor or other state officer is a member thereof, on the verified complaint of the party beneficially interested, to compel, when there is not a plain, adequate and speedy remedy at law, performance of an act which the law specially imposes as a duty resulting from an office, trust or station, or to compel the admission of a party to the use and enjoyment of a right or office to which he is entitled and from which he is unlawfully precluded by such inferior tribunal, corporation, board or person.”</p>
<p>Arkansas</p>	<p>ARK. CODE § 16-115-101</p>	<p>“As used in this chapter, unless the context otherwise requires:</p> <p>(1) “Writ of mandamus” means an order of the circuit court granted upon the petition of an aggrieved party or the state when the public interest is affected, commanding an executive, judicial, or ministerial officer to perform an act or omit to do an act, the performance or omission of which is enjoined by law”</p>
<p>California</p>	<p>CAL. CIV. PROC. CODE § 1085, 86</p>	<p>1085: “(a) A writ of mandate may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the</p>

State	Statute	Relevant Language
		<p>admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person.</p> <p>(b) The appellate division of the superior court may grant a writ of mandate directed to the superior court in a limited civil case or in a misdemeanor or infraction case. Where the appellate division grants a writ of mandate directed to the superior court, the superior court is an inferior tribunal for purposes of this chapter."</p> <p>1086: "The writ must be issued in all cases where there is not a plain, speedy, and adequate remedy, in the ordinary course of law. It must be issued upon the verified petition of the party beneficially interested."</p>
Connecticut	CONN. GEN. STAT. §§ 52-485. 23-45	<p>52-485: "(a) The Superior Court may issue a writ of mandamus in any case in which a writ of mandamus may by law be granted, and may proceed therein and render judgment according to rules made by the judges of the Superior Court or, in default thereof, according to the course of the common law.</p> <p>(b) When any writ of mandamus has been issued, requiring the party to whom it is directed to make a return, if the party fails to do so, the court may issue a peremptory mandamus.</p> <p>(c) Any common law requirement that the state's attorney participate in any way in an action for mandamus is abolished."</p> <p>23-45: "(a) An action of mandamus may be brought in an individual right by any person who claims entitlement to that remedy to enforce a private duty owed to that person, or by any state's attorney to enforce a public duty.</p>

State	Statute	Relevant Language
		(b) The plaintiff shall commence the action by serving and filing a writ and complaint that conforms to the requirements of Section 8-1 of these rules. The prayer for relief shall include asking that an order in the nature of a mandamus be granted. No affidavit to the truth of the allegation of the complaint is required."
Florida	FLA. CONST. art. V., § 3(b)(8)	"(b) Jurisdiction.--The supreme court: . . . (8) May issue writs of mandamus and quo warranto to state officers and state agencies."
Georgia	GA. CODE § 9-6-20, - 24	-20: "All official duties should be faithfully performed, and whenever, from any cause, a defect of legal justice would ensue from a failure to perform or from improper performance, the writ of mandamus may issue to compel a due performance if there is no other specific legal remedy for the legal rights; provided, however, that no writ of mandamus to compel the removal of a judge shall issue where no motion to recuse has been filed, if such motion is available, or where a motion to recuse has been denied after assignment to a separate judge for hearing." -24: "Where the question is one of public right and the object is to procure the enforcement of a public duty, no legal or special interest need be shown, but it shall be sufficient that a plaintiff is interested in having the laws executed and the duty in question enforced."
Illinois	735 ILL. COMP. STAT. 5/14-101-109	Providing for statutory basis for court-created power to issue writ in the state
Indiana	IND. CODE § 34-27-3-1	"An action for mandate may be prosecuted against any inferior tribunal, corporation, public or corporate officer, or person to compel the performance of any: (1) act that the law specifically requires; or

State	Statute	Relevant Language
		(2) duty resulting from any office, trust, or station."
Iowa	IOWA CODE § 661	<p>§ 661.1: "The action of mandamus is one brought to obtain an order commanding an inferior tribunal, board, corporation, or person to do or not to do an act, the performance or omission of which the law enjoins as a duty resulting from an office, trust, or station."</p> <p>§ 661.2: "Where discretion is left to the inferior tribunal or person, the mandamus can only compel it to act, but cannot control such discretion."</p>
Kansas	KAN. STAT. § 60-801	"Mandamus is a proceeding to compel some inferior court, tribunal, board, or some corporation or person to perform a specified duty, which duty results from the office, trust, or official station of the party to whom the order is directed, or from operation of law."
Louisiana	<p>LA. CODE CIV. PROC. art. 3863</p> <p>LA. STAT. § 2191(D)</p>	<p>3863: "A writ of mandamus may be directed to a public officer to compel the performance of a ministerial duty required by law, or to a former officer or his heirs to compel the delivery of the papers and effects of the office to his successor."</p> <p>2191: "D. Any public entity failing to make any progressive stage payments arbitrarily or without reasonable cause, or any final payment when due as provided in this Section, shall be subject to mandamus to compel the payment of the sums due under the contract up to the amount of the appropriation made for the award and execution of the contract, including any authorized change orders."</p>
Massachusetts	MASS. GEN. LAWS ch. 249 § 5	"A civil action to obtain relief formerly available by writ of mandamus may be brought in the supreme judicial or superior

State	Statute	Relevant Language
		court or, if the matter involves any right, title or interest in land, or arises under or involves the subdivision control law, the zoning act, or municipal zoning, or subdivision ordinances, by-laws or regulations, in the land court.”
Michigan	MICH. COMP. LAWS § 15.271	<p>“ (1) If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.</p> <p>(2) An action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves. An action for an injunction against a state public body shall be commenced in the circuit court and venue is proper in any county in which the public body has its principal office, or in Ingham county. If a person commences an action for injunctive relief, that person shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.</p> <p>(3) An action for mandamus against a public body under this act shall be commenced in the court of appeals.</p> <p>(4) If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.”</p>
Minnesota	MINN. STAT. § 586.01	“The writ of mandamus may be issued to any inferior tribunal, corporation, board, or person to compel the performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station. It

State	Statute	Relevant Language
		may require an inferior tribunal to exercise its judgment or proceed to the discharge of any of its functions, but it cannot control judicial discretion."
Mississippi	MISS. CODE § 11-41-1	"On the complaint of the state, by its Attorney General or a district attorney, in any matter affecting the public interest, or on the complaint of any private person who is interested, the judgment shall be issued by the circuit court, commanding any inferior tribunal, corporation, board, officer, or person to do or not to do an act the performance or omission of which the law specially enjoins as a duty resulting from an office, trust, or station, where there is not a plain, adequate, and speedy remedy in the ordinary course of law. All procedural aspects of this action shall be governed by the Mississippi Rules of Civil Procedure."
Montana	MONT. CONST. art. II, § 9	<p>"No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure."</p> <p>The Montana courts have appeared to hold that this provision of the Montana Constitution may provide legal basis for a writ to issue, but no statutory obligation for a writ appears to exist in the state.</p>
Nebraska	NEB. REV. STAT § 25-2156, -2167	-2156: "The writ of mandamus may be issued to any inferior tribunal, corporation, board or person, to compel the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station. Though it may require an inferior tribunal to exercise its judgment, or proceed to the discharge of any of its functions, it cannot control judicial discretion."

State	Statute	Relevant Language
		<p>-2167: "Whenever a peremptory mandamus is directed to any public officer, body or board, commanding the performance of any public duty, specially enjoined by law, if it appear to the court that such officer, or any member of such body or board, has without just excuse refused or neglected to perform the duty so enjoined, the court may impose a fine not exceeding five hundred dollars upon every such officer, or member of such body or board. Such fine, when collected, shall be paid into the treasury of the county where the duty ought to have been performed; and the payment thereof is a bar to an action for any penalty incurred by such officer, or member of such body or board, by reason of his refusal or neglect to perform the duty so enjoined."</p>
New Mexico	N.M. STAT. § 44-2-4	<p>"It may be issued to any inferior tribunal, corporation, board or person, to compel the performance of an act which the law specially enjoins as a duty resulting from an office, trust or station; but though it may require an inferior tribunal to exercise its judgment, or proceed to the discharge of any of its functions, it cannot control judicial discretion."</p>
New York	N.Y. C.L.P.R. LAW § 7801	<p>"Relief previously obtained by writs of certiorari to review, mandamus or prohibition shall be obtained in a proceeding under this article. Wherever in any statute reference is made to a writ or order of certiorari, mandamus or prohibition, such reference shall, so far as applicable, be deemed to refer to the proceeding authorized by this article. Except where otherwise provided by law, a proceeding under this article shall not be used to challenge a determination:</p> <ol style="list-style-type: none"> 1. which is not final or can be adequately reviewed by appeal to a court or to some

State	Statute	Relevant Language
		<p>other body or officer or where the body or officer making the determination is expressly authorized by statute to rehear the matter upon the petitioner's application unless the determination to be reviewed was made upon a rehearing, or a rehearing has been denied, or the time within which the petitioner can procure a rehearing has elapsed; or</p> <p>2. which was made in a civil action or criminal matter unless it is an order summarily punishing a contempt committed in the presence of the court."</p>
Ohio	<p>OHIO REV. CODE § 2731</p> <p>OHIO REV. CODE § 149.43(C)</p>	<p>§ 2731.01: "Mandamus is a writ, issued in the name of the state to an inferior tribunal, a corporation, board, or person, commanding the performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station."</p> <p>§ 149.43(C): specific right to compel prompt preparation of a public record via writ of mandamus</p>
Oregon	<p>OR. REV. STAT. § 34.110</p>	<p>"A writ of mandamus may be issued to any inferior court, corporation, board, officer or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust or station; but though the writ may require such court, corporation, board, officer or person to exercise judgment, or proceed to the discharge of any functions, it shall not control judicial discretion. The writ shall not be issued in any case where there is a plain, speedy and adequate remedy in the ordinary course of the law."</p>
Texas	<p>TEX. GOV'T CODE § 802.003, 24.001</p>	<p>802.003 provides for specific statutory protection for writs issuing against public retirement system:</p> <p>"(a) Except as provided by Subsection (b), if the governing body of a public retirement</p>

State	Statute	Relevant Language
		<p>system fails or refuses to comply with a requirement of this chapter that applies to it, a person residing in the political subdivision in which the members of the governing body are officers may file a motion, petition, or other appropriate pleading in a district court having jurisdiction in a county in which the political subdivision is located in whole or in part, for a writ of mandamus to compel the governing body to comply with the applicable requirement.</p> <p>(b) If the governing body of the Employees Retirement System of Texas, the Teacher Retirement System of Texas, the Texas Municipal Retirement System, or the Texas County and District Retirement System fails or refuses to comply with a requirement of this chapter that applies to it, any resident of the state may file a pleading in a district court in Travis County to compel the governing body to comply with the applicable requirement.</p> <p>(c) If the prevailing party in an action under this section is other than the governing body of a public retirement system, the court may award reasonable attorney's fees and costs of suit.</p> <p>(d) The State Pension Review Board may file an appropriate pleading, in the manner provided by this section for filing by an individual, for the purpose of enforcing a requirement of Subchapter B or C,¹ other than a requirement of Section 802.101(a), 802.101(d), 802.102, 802.103(a), or 802.104."</p> <p>24.011: "A judge of a district court may, either in termtime or vacation, grant writs of mandamus, injunction, sequestration, attachment, garnishment, certiorari, and supersedeas and all other writs necessary</p>

State	Statute	Relevant Language
		to the enforcement of the court's jurisdiction."
West Virginia	W. VA. CODE § 53-1-1--12	Providing for statutory foundation for writ of mandamus action
Wisconsin	WIS. STAT. § 783	Providing statutory direction for certain aspects of mandamus proceedings

Mandamus Court Rules

State	Court Rule	Relevant Language
Colorado	COLO. R. CIV. P. 106	<p>"(a) Habeas Corpus, Mandamus, Quo Warranto, Certiorari, Prohibition, Scire Facias and Other Remedial Writs in the District Court. Special forms of pleadings and writs in habeas corpus, mandamus, quo warranto, certiorari, prohibition, scire facias, and proceedings for the issuance of other remedial writs, as heretofore known, are hereby abolished in the district court. Any relief provided hereunder shall not be available in county courts. In the following cases relief may be obtained in the district court by appropriate action under the practice prescribed in the Colorado Rules of Civil Procedure:</p> <p>(1) Where any person not being committed or detained for any criminal or supposed criminal matter is illegally confined or restrained of his liberty;</p> <p>(2) Where the relief sought is to compel a lower judicial body, governmental body, corporation, board, officer or person to perform an act which the law specially enjoins as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which he is entitled, and from which he is unlawfully precluded by such lower judicial body, governmental body, corporation, board, officer, or person. The judgment shall include any damages sustained"</p>

State	Court Rule	Relevant Language
<p>Florida</p>	<p>FLA. R. CIV. P. 1.630 FLA. R. APP. P. 9.100</p>	<p>1.630: "(a) Applicability. This rule applies to actions for the issuance of writs of mandamus, prohibition, quo warranto, and habeas corpus. (b) Initial Pleading. The initial pleading must be a complaint. It must contain: (1) the facts on which the plaintiff relies for relief; (2) a request for the relief sought; and (3) if desired, argument in support of the complaint with citations of authority. The caption must show the action filed in the name of the plaintiff in all cases and not on the relation of the state. When the complaint seeks a writ directed to a lower court or to a governmental or administrative agency, a copy of as much of the record as is necessary to support the plaintiff's complaint must be attached. (c) Time. A complaint must be filed within the time provided by law. (d) Process. If the complaint shows a prima facie case for relief, the court must issue: (1) an order nisi in prohibition; (2) an alternative writ in mandamus that may incorporate the complaint by reference only; (3) a writ of quo warranto; or (4) a writ of habeas corpus. The writ must be served in the manner prescribed by law. (e) Response. Defendant must respond to the writ as provided in rule 1.140, but the answer in quo warranto must show better title to the office when the writ seeks an adjudication of the right to an office held by the defendant."</p> <p>9.100: "(e) Petitions for Writs of Mandamus and Prohibition Directed to a Judge or Lower Tribunal. When a petition for a writ of mandamus or prohibition seeks a writ directed to a judge or lower tribunal, the following procedures apply:</p>

State	Court Rule	Relevant Language
		<p>(1) Caption. The name of the judge or lower tribunal must be omitted from the caption. The caption must bear the name of the petitioner and other parties to the proceeding in the lower tribunal who are not petitioners must be named in the caption as respondents.</p> <p>(2) Parties. The judge or the lower tribunal is a formal party to the petition for mandamus or prohibition and must be named as such in the body of the petition (but not in the caption). The petition must be served on all parties, including any judge or lower tribunal who is a formal party to the petition.</p> <p>(3) Response. Following the issuance of an order pursuant to subdivision (h), the responsibility for responding to a petition is that of the litigant opposing the relief requested in the petition. Unless otherwise specifically ordered, the judge or lower tribunal has no obligation to file a response. The judge or lower tribunal retains the discretion to file a separate response should the judge or lower tribunal choose to do so. The absence of a separate response by the judge or lower tribunal will not be deemed to admit the allegations of the petition."</p>
Missouri	Mo. R. Civ. P. 94	<p>"Proceedings in mandamus in a circuit court shall be as prescribed in this Rule 94 and in this Court or the court of appeals shall be as prescribed in Rule 84.22 to Rule 84.26, inclusive, and this Rule 94. In all particulars not provided for by the foregoing provisions, proceedings in mandamus shall be governed by and conform to the rules of civil procedure and the existing rules of general law upon the subject and the court may, by order, direct the form of such further details of procedure as may be necessary to the orderly course of the action or to give effect to the remedy."</p>
Utah	UTAH R. CIV. P. 65B	<p>"(d) Wrongful Use of Judicial Authority or Failure to Comply With Duty; Actions by Board of Pardons and Parole.</p>

State	Court Rule	Relevant Language
		<p>(1) Who May Petition. A person aggrieved or whose interests are threatened by any of the acts enumerated in this paragraph may petition the court for relief.</p> <p>(2) Grounds for Relief. Appropriate relief may be granted: (A) where an inferior court, administrative agency, or officer exercising judicial functions has exceeded its jurisdiction or abused its discretion; (B) where an inferior court, administrative agency, corporation or person has failed to perform an act required by law as a duty of office, trust or station; (C) where an inferior court, administrative agency, corporation or person has refused the petitioner the use or enjoyment of a right or office to which the petitioner is entitled; or (D) where the Board of Pardons and Parole has exceeded its jurisdiction or failed to perform an act required by constitutional or statutory law.</p> <p>(3) Proceedings on the Petition. On the filing of a petition, the court may require that notice be given to adverse parties before issuing a hearing order, or may issue a hearing order requiring the adverse party to appear at the hearing on the merits. The court may direct the inferior court, administrative agency, officer, corporation or other person named as respondent to deliver to the court a transcript or other record of the proceedings. The court may also grant temporary relief in accordance with the terms of Rule 65A.</p> <p>(4) Scope of Review. Where the challenged proceedings are judicial in nature, the court's review shall not extend further than to determine whether the respondent has regularly pursued its authority."</p>

Note: Boolean search term used to limit results to those compelling a public official or agency to act in response to a public duty of their office. Additional statutes, rules, or constitutional provisions may exist granting this power. The search term used is: ("mandamus" AND ("public body" OR "public official" OR "agency")) AND ("compel" OR "require" OR "make"))