

UNITED STATES NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS

Frank D. Wuterich
Staff Sergeant (E-6)
U. S. Marine Corps,
Petitioner

v.

UNITED STATES,¹
Respondent

NMCCA NO. 200800183

PETITION FOR EXTRAORDINARY
RELIEF IN THE NATURE OF A WRIT
OF MANDAMUS

O R D E R

Upon consideration of the Petition for Extraordinary Relief in the Nature of a Writ of Mandamus asking for an abatement of court-martial proceedings against the Petitioner,² filed on 6 July 2011, it is, by the Court, this 11th day of July 2011,

ORDERED:

(1) That the Government shall, on or before 21 July 2011, show cause as to why relief in the form of abatement of court-martial proceedings should not be granted. The Petitioner may file a reply within seven days of receipt of the Government's response to this order.

(2) That both parties take note of and incorporate into all future pleadings the fact that the United States has been substituted as Respondent in this case.

For the Court

R.H. TROIDL
Clerk of Court
11 July 2011



Copy to:
NMCCA 51.2
45 (Maj Sripinyo); 46; 05; 02

¹ The Petitioner listed the Military Judge at his court-martial as one of the Respondents. Given the nature of the relief requested, the Court restyled the case in its 27 May 2011 Order so that the United States is the Respondent.

² The Petitioner has previously sought and obtained from this Court a stay of proceedings in the case, which was issued on 27 May 2011 and remains in effect until further order of this Court.