UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

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56 Forsyth Street, N.W.
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Clerk of Court

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September 02, 2025

Taquanda Bowens
275 S CHESTERMAN ST
HOLLY SPRINGS, MS 38635

Appeal Number: 25-12122-E
Case Style: In re: Emmet Bowens
District Court Docket No: 6:21-cr-141-RBD-EJK

The enclosed order has been entered. No further action will be taken in this matter.

Any pending motions are now rendered moot in light of the attached order.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

In the

United States Court of Appeals

For the Eleventh Circuit

No. 25-12122

In re: EMMET BOWENS, BY NEXT FRIEND AND WIFE TAQUANDA BOWENS,

Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Middle District of Florida
D.C. Docket No. 6:21-cr-141-RBD-NWH

Before JORDAN, LUCK, and ABUDU, Circuit Judges.

BY THE COURT:

Taquanda Bowens ("Taquanda"), proceeding *pro se* on behalf of her husband Emmet Bowens ("Bowens"), petitions this Court for a writ of mandamus arising out of Bowens' pending criminal proceedings in the U.S. District Court for the Middle District of Florida. In the petition, she alleges that a variety of Bowens' constitutional rights have been violated and requests that this Court issue a writ of mandamus directing the district court to: (1) hold a hearing regarding the revocation of his release; (2) reevaluate Bowens' competency pursuant to 18 U.S.C. §§ 4241, 4246; and (3) review and vacate a purportedly invalid arrest warrant issued against Bowens. In the alternative, she requests that this Court issue an order showing cause as to why these "duties" should not be performed.

During the course of his criminal proceedings for wire fraud and illegal monetary transactions, Bowens, through counsel, filed an unopposed motion for a hearing and out-patient examination to determine his mental competency. After granting the motion in part and holding a competency hearing, a magistrate judge found Bowens incompetent to proceed to trial and ordered him committed to the custody of the Attorney General for treatment "for a reasonable period of time, not to exceed four months." Bowens arrived at the Federal Medical Center in Butner, North Carolina, on May 12, 2025, and his evaluation period is set to end on September 9, 2025.

We doubt that Taquanda can seek mandamus relief on behalf of her husband. Taquanda is not an attorney, and therefore

cannot represent another person in Federal Court. *See Thomas v. Estelle*, 703 F. 2d 488, 489 (5th Cir. 1979). In any event, mandamus relief is not warranted.

Mandamus is available "only in drastic situations, when no other adequate means are available to remedy a clear usurpation of power or abuse of discretion." *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1004 (11th Cir. 1997) (quotation marks omitted). Mandamus may be used to direct a district court to decide a pending case when there has been unreasonable delay in rendering a decision. *See Johnson v. Rogers*, 917 F.2d 1283, 1284 (10th Cir. 1990) (persuasive authority holding that a 14-month delay in ruling on a 28 U.S.C. § 2241 petition for no reason other than docket congestion was impermissible). However, mandamus may not be "used as a substitute for appeal, or to control decisions of the [district] court in discretionary matters." *Jackson*, 130 F.3d at 1004 (quoting *In re Estelle*, 516 F.2d 480, 483 (5th Cir. 1975)). A defendant can challenge a district court's criminal judgment against him by filing an appeal after the court enters its final judgment. 18 U.S.C. § 3742(a); 28 U.S.C. § 1291.

When an alternative remedy exists, even if it is unlikely to provide relief, mandamus relief is not proper. *See Lifestar Ambulance Serv., Inc. v. United States*, 365 F.3d 1293, 1298 (11th Cir. 2004). Additionally, "a writ of mandamus may issue only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." *In re Smith*, 926 F.2d 1027, 1030 (11th Cir. 1991) (quotation omitted).

The petitioner has the burden of showing that he has no other avenue of relief, and that his right to relief is clear and indisputable. *Mallard v. United States Dist. Court*, 490 U.S. 296, 309 (1989).

Once a court commits a defendant to the Attorney General's custody, the Attorney General, acting through the Federal Bureau of Prisons, must "hospitalize the defendant for treatment in a suitable facility . . . for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward." 18 U.S.C. § 4241(d), (d)(1). If "the director of the facility in which a defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense," then the court must "hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine the competency of the defendant." § 4241(e).

Here, Bowens is not entitled to mandamus relief. Bowens has the adequate alternative remedy of filing motions in the district court raising the alleged constitutional violations presented in his mandamus petition. Bowens also has the adequate alternative remedy of raising any purported issue regarding the revocation of his release before the district court. He additionally has the adequate alternative remedy of moving the district court to hold another competency hearing. If the district court denies his motions,

he has the adequate alternative remedy of raising the issues on appeal following the district court's entry of final judgment.

To the extent that Taquanda contends that the district court has unreasonably delayed in conducting a competency hearing under 18 U.S.C. § 4246(e), Bowens entered the Federal Medical Center in Butner, North Carolina, on May 12, 2025, and his evaluation period is not set to end until September 9, 2025. Therefore, these circumstances do not demonstrate an unreasonable delay by the district court. Moreover, these circumstances do not demonstrate a violation of 18 U.S.C. § 4241(d)(1), (e) because Bowens has not been hospitalized for more than four months and his treatment is still ongoing.

As to the request that this Court issue an order showing cause as to why the requested action should not be performed, this request is not cognizable in mandamus because a writ of mandamus by this Court may issue only to confine an inferior court.

Accordingly, the instant petition for writ of mandamus is hereby **DENIED**.