FILED
JAN 2 2007
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRIGINIA

IN THE STATE SUPREME COURT OF APPEALS

Robert Joe Blake,
Petitioner,

v

Civil Action No
underlying Case No 97-F 10

Thomas McBride, Warden,
Respondent,

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WRIT OF MANDAMUS

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Comes now Robert Joe Blake, Petitioner, with his Writ of Mandamus, to direct the Circuit Court of Wetzel County, to comply, to the State statute of § 53-4A-1 at (a) and (b),

Petitioner filed his Habeas Corpus to Wetzel County July 3-2006, in compliance to the findings of the State Supreme Court of Appeals, Filed June 16, 2006.

The Circuit Court of Wetzel County has a duty to act upon Habeas Corpus actions, as is required in State Statute of § 53-4A-1 at (b).

Habeas Corpus actions clearly act upon its governing rules, set apart from the normal, of criminal or civil actions, in that it is the highest extraordinary writ to our constitutions, of State or Federal.

As applied State Statute of West Virginia, governing Habeas Corpus, clearly applied, by Legislative intent.

Habeas Corpus Privelage Rights, Rules, apply to § 53-4A-1

This clearly gives Petitioner the right to § 16,12 time frames of action, under Habeas Corpus Rules of Application

The Court had a duty to act within 30 days to appoint Counsel, to prefect redress to the Court, it has not done now over 90 days after Petitioner filed his required action, by the June 16-06, Supreme Court findings and Order.

Petitioner now has a clear right to his actions, being acted on as prescribed in Habeas Corpus Privelage Rights, not to be delayed, by the Circuit Court, as does the West Virginia and United States Constitution guarantee this.

WHEREFORE: Petitioner humbly pray the Honorable Court grant this Mandamus, to the means of justice.

Respectfully submitted

Robert Joe Blake
signature pro se

Robert Joe Blake, pro se