

IN THE UNITED STATES COAST GUARD  
COURT OF CRIMINAL APPEALS

*In Re:*

Kimberly A. Vargas  
Yeoman First Class (E-6)  
U.S. Coast Guard,  
Petitioner

15 October 2021

PETITION FOR EXTRAORDINARY  
RELIEF IN THE NATURE OF A WRIT  
OF MANDAMUS, FILED 15  
OCTOBER 2021

MISC. DOCKET NO. 001-21

BEFORE MCCLELLAND, BRUBAKER  
& SCOTT

ORDER

Petitioner, an accused at a special court-martial convened by the Commanding Officer, Coast Guard Base, Kodiak, Alaska, seeks a writ of mandamus directing the military judge to dismiss the charges based on improper referral, and requests a stay of further proceedings while this Court considers the matter. We conclude that Petitioner has failed to show either that she has “no other adequate means to attain the relief [s]he desires” or that her “right to issuance of the writ is clear and indisputable.” *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004) (internal quotation marks and citations omitted).

Accordingly, it is, by the Court, this 15th day of October, 2021,

ORDERED:

That the request for a stay of proceedings is denied; that the Petition for Extraordinary Relief is denied, without prejudice to Petitioner’s right to raise the issues therein in the course of normal review under the Uniform Code of Military Justice.



For the Court,

L. I. McClelland  
Chief Judge

Copy: CDR Burrell, Military Judge  
CDR Henderson, Detailed Defense Counsel  
LCDR Lanz, Trial Counsel  
Office of Military Justice  
Appellate Government Counsel  
Appellate Defense Counsel