

United States Court of Appeals
For the Eighth Circuit

No. 23-1078

Brian J. Dorsey

Petitioner - Appellant

v.

David Vandergriff

Respondent - Appellee

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: June 30, 2023

Filed: July 6, 2023

[Unpublished]

Before LOKEN, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Missouri prisoner Brian Dorsey, who has been sentenced to death for two murders, appeals the district court's¹ denial of his motion to order the Missouri

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

Department of Corrections to transfer him to a facility for magnetic resonance imaging, which he sought in support of state clemency proceedings.

With respect to Dorsey’s reliance on 18 U.S.C. § 3599, this court has already determined that “[s]ection 3599’s authorization for funding neither confers nor implies an additional grant of jurisdiction to order state officials to act to facilitate an inmate’s clemency application,” *Tisius v. Vandergriff*, 55 F.4th 1153, 1155 (8th Cir. 2022), *cert. denied*, No. 22-7398, 2023 WL 3804604 (U.S. June 5, 2023), and this panel is bound by that decision, *see Mays v. Bd. of Educ. of Hamburg Sch. Dist.*, 834 F.3d 910, 918 n.4 (8th Cir. 2016). As to Dorsey’s reliance on the All Writs Act, 28 U.S.C. § 1651, that statute does not provide the district court the authority to grant the relief requested.

Accordingly, we affirm. *See* 8th Cir. R. 47B.
