

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-1046

In Re: JOHN D. GOELZ,

Petitioner.

On Petition for Writ of Mandamus.
(CA-99-413-3-MU)

Submitted: February 22, 2000

Decided: March 14, 2000

Before LUTTIG and TRAXLER, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

John D. Goelz, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

John D. Goelz brought this petition for a writ of mandamus seeking an order directing the district court to vacate all orders entered in his breach of contract action and to remand the action to state court in South Carolina. Goelz filed in the district court a motion for a remand. Where there is another available remedy, mandamus relief is not available. See In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus is not a substitute for appeal. See In re United Steelworkers of America, 595 F.2d 958, 960 (4th Cir. 1979). Goelz has two remedies available other than mandamus. First, he may wait for the district court's response to his recent motion in that court for a remand to state court. Second, he may appeal any unfavorable district court decision. See Caterpillar Inc. v. Lewis, 519 U.S. 61, 74 (1996) (by timely filing motion for remand, litigant "did all that was required to preserve his objection to removal"). Accordingly, we deny mandamus relief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED