

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-1221**

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In Re: BILLY DARRYL FLOYD; In Re: ARLIE LAWSON  
RUSHING,

Petitioners.

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On Petition for Writ of Mandamus. (MISC-00-7-1)

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Submitted: July 27, 2000

Decided: August 2, 2000

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Before MURNAGHAN, WILKINS, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Billy Darryl Floyd, Arlie Lawson Rushing, Petitioners Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Billy Darryl Floyd and Arlie Lawson Rushing petition this court for a writ of mandamus. They ask that we order the district court to release certified copies of a subpoena to testify before a grand jury and an order to show cause for failure to honor the subpoena, both documents sealed by order of the court.

Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). To obtain mandamus relief, a petitioner bears the burden of showing that his right to the relief sought is plain and indisputable, that respondent has a clear duty to perform the requested act, and that petitioner has no other avenues of relief. See In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988).

Floyd and Rushing have failed to sustain this burden by showing their clear entitlement to the sealed documents. Therefore, we deny their motion for judicial notice and their request for a writ of mandamus. 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