

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-1720**

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In Re: MICHAEL D. WILKINS,

Petitioner.

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On Petition for Writ of Prohibition.

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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Petition denied by unpublished per curiam opinion.

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Michael D. Wilkins, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael D. Wilkins filed this petition for a writ of prohibition asking this court to enjoin the bankruptcy trustee and bankruptcy judge from hearing any other matters related to Wilkins' bankruptcy and from liquidating Wilkins' property to pay unsecured debtors. The granting of a writ of mandamus is a drastic remedy to be used in extraordinary circumstances. See In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers of Am., 595 F.2d 958, 960 (4th Cir. 1979). A petitioner must show that he has a clear right to the relief sought, that the respondent has a clear duty to perform the act requested by petitioner, and that there is no other adequate remedy available. See In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988).

Wilkins has failed to make the requisite showing for such extraordinary relief. Accordingly, we deny Wilkins' petition for a writ of prohibition. 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