

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-4087

In Re: THOMAS S. PRITT,

Petitioner.

On Petition for Writ of Mandamus. (CR-98-176)

Submitted: April 27, 2000

Decided: May 2, 2000

Before NIEMEYER and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Thomas S. Pritt, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Thomas S. Pritt has filed a petition for a writ of mandamus from this Court. His petition challenges the district court's order denying attorney's fees following his acquittal on multiple criminal charges. We deny the writ.

Mandamus is a drastic remedy to be used only in extraordinary circumstances. See Kerr v. United States Dist. Ct, 426 U.S. 394, 402 (1976). Mandamus relief is only available when there are no other means by which the relief sought could be granted, see In re Beard, 811 F.2d 818, 826 (4th Cir. 1987), and may not be used as a substitute for appeal. See In re Catawba Indian Tribe, 973 F.2d 1133, 1135 (4th Cir. 1992). Pritt could have appealed the denial of his motion, but he failed to do so.* Accordingly, we deny Pritt's petition for 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

* To the extent that Pritt intended this petition as a notice of appeal from the district court's denial of his mandamus petition, his appeal is untimely. See Fed. R. App. P. 4.