

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-7671**

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In Re: TERRANCE LAMONT MOORE,

Petitioner.

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On Petition for Writ of Mandamus. (CA-98-13)

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Submitted: March 23, 2001

Decided: April 24, 2001

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Before WILKINS, MOTZ, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Terrance Lamont Moore, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Terrance Lamont Moore petitions this court for a writ of mandamus.\* Mandamus is a drastic remedy to be used only in extraordinary circumstances. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987) (citing Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976)). It is available only when there are no other means by which the relief sought could be granted, id., and it may not be used as a substitute for appeal, In re Catawba Indian Tribe, 973 F.2d 1133, 1135 (4th Cir. 1992). The party seeking mandamus relief thus carries the heavy burden of showing that he has "no other adequate means to attain the relief he desires" and that his entitlement to such relief is "clear and indisputable." Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980).

Our review of the record leads us to conclude that mandamus is not warranted in this case. Moore has not demonstrated that no other means of relief remain available to him, nor has he demonstrated that his right to mandamus relief is "clear and indisputable." Accordingly, while we grant Moore leave to proceed in forma pauperis, we deny his petition for mandamus relief. We dispense with oral argument because the facts and legal contentions

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\* Moore requested that the Court either issue an extraordinary writ under 28 U.S.C. § 1651 (1994) or a writ of mandamus. Because a writ of mandamus is an extraordinary writ under § 1651, we address his motion simply as one for mandamus relief.

are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED