

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-1367

In Re: JAMES M. MILLEAGE; BONNIE I. MILLEAGE,

Petitioners.

On Petition for Writ of Mandamus.
(CA-97-2875-0-19)

Submitted: June 20, 2001

Decided: July 5, 2001

Before WIDENER, WILLIAMS, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Stephen David Schusterman, Rock Hill, South Carolina, for
Petitioners.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James M. Milleage and Bonnie I. Milleage have filed a petition for a writ of mandamus seeking an order from this court directing the district court to vacate its June 1, 2000, order granting relief to Branch Banking and Trust, Inc. (BB&T). Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Mandamus relief is available only when there are no other means by which the relief sought could be granted, In re Beard, 811 F.2d 818, 826 (4th Cir. 1987), and may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). The party seeking mandamus relief carries the heavy burden of showing that he has no other adequate means to attain the relief he desires and that his right to such relief is clear and indisputable. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). The Milleages have not made such a showing.

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