

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6076

In Re: TOMMY RAY ROBINSON,

Petitioner.

On Petition for Writ of Mandamus.
(CA-96-896-AMD, CA-96-1298-AMD, CA-96-1388-AMD)

Submitted: May 17, 2001

Decided: June 5, 2001

Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Tommy Ray Robinson, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tommy Ray Robinson has filed a petition for a writ of mandamus from this court ordering the district court to rule on his motion for a preparation of a transcript at government expense. 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 only available 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 Catawba Indian Tribe, 973 F.2d 1133, 1135 (4th Cir. 1992). 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 entitlement to such relief is clear and indisputable. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Robinson has failed to make such a showing.*

Accordingly, we deny Robinson's petition for 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

* The record reveals that the district court has in fact ruled on Robinson's motion for a transcript.