

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6160

In Re: BILLY JOE PELFREY,

Petitioner.

On Petition for Writ of Mandamus. (CA-99-693-3)

Submitted: March 22, 2001

Decided: March 30, 2001

Before WILKINS, LUTTIG, and MICHAEL, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Billy Joe Pelfrey, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Billy Joe Pelfrey has filed a petition for a writ of mandamus from this court seeking to have this court order the district court handling his case to transfer his case to another district court, to restore the filing time for all discovery, to seize various records from the Defendants in his civil action, to order an investigation as to why Defendants do not have certain records, and to make the results of such investigation known to him. 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). Pelfrey has not made that 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