

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6282**

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In Re: BUSTER A. YANCEY, JR.,

Petitioner.

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On Petition for Writ of Mandamus.

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Submitted: April 12, 2001

Decided: April 19, 2001

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Before NIEMEYER, WILLIAMS, and GREGORY, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Buster A. Yancey, Jr., Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Buster A. Yancey, Jr., has filed a petition for a writ of mandamus from this court ordering the district court to release him from custody. 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). Yancey has not made such a showing.

Accordingly, we deny Yancey's petition for mandamus and his motion to proceed in forma pauperis. 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