

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7318

In Re: ERNEST LEE COLEY,

Petitioner.

On Petition for Writ of Mandamus.

Submitted: November 29, 2001

Decided: December 10, 2001

Before WIDENER, NIEMEYER, and WILLIAMS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Ernest Lee Coley, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ernest Lee Coley has filed a petition for a writ of mandamus from this court seeking to compel Respondents to conduct a parole revocation hearing based on a parole violation warrant issued against him by the District of Columbia Parole Board, and to review the detainer currently lodged against 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).

Coley has not made such a showing. Accordingly, we deny Coley's motion to proceed in forma pauperis, his petition for mandamus relief, and his motion to compel. 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