

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1778

In re: JOSEPH CARPINO,

Petitioner.

On Petition for Writ of Mandamus or Prohibition.
(CA-01-80)

Submitted: October 24, 2002

Decided: November 15, 2002

Before NIEMEYER, MICHAEL, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Joseph Carpino, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Joseph Carpino petitions this court for a writ of mandamus or prohibition, asking us to order the Circuit Court of Ohio County, West Virginia, to address several alleged errors in its resolution of Carpino's underlying litigation against Wheeling Volkswagen Subaru. Mandamus relief is only available when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary situations. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976).

Carpino has no right to the relief he seeks because a federal circuit court cannot exercise appellate review over state court decisions. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983). Moreover, Carpino had an available remedy because he could have appealed the decision with the state court system. See In re Beard, 811 F.2d 818, 826-27 (4th Cir. 1987). Accordingly, we deny the petition for writ of mandamus. We deny Carpino's motion for due process, in which he challenges the constitutionality of a West Virginia magistrate's rule, because this petition is not the appropriate forum for such a challenge. We further deny Carpino's motion for discovery. 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