

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6048

In Re: MYRON A. MCCALL,

Petitioner.

On Petition for Writ of Mandamus. (CR-97-53-F)

Submitted: March 20, 2002

Decided: April 2, 2002

Before LUTTIG, WILLIAMS, and MICHAEL, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Myron A. McCall, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Myron A. McCall has filed a petition for a writ of mandamus seeking an order from this court directing the Federal Bureau of Prisons to designate Allendale Correctional Institution for service of his federal sentence, thereby effectively making his federal sentence run concurrently with his state sentence. Mandamus relief is available only 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). 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).

McCall has failed to show that he has a clear right to the relief sought. See 18 U.S.C. § 3621(b) (1994) (granting Bureau of Prisons plenary power to designate place of confinement). Moreover, McCall may raise his claims by way of a petition under 28 U.S.C. § 2241 (1994). Accordingly, we deny his petition for a writ of

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