

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1234

In Re: VASU D. ARORA,

Petitioner.

On Petition for Writ of Mandamus.
(CR-98-72-1, CA-01-305-7)

Submitted: April 9, 2003

Decided: April 24, 2003

Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Vasu D. Arora, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Vasu D. Arora filed a petition for a writ of mandamus requesting this court to either: (1) direct the district court to enforce its December 2001 order—which Arora contends requires the United States to release certain records to him; or (2) direct the United States to comply with the December 2001 order.

Mandamus is a drastic remedy, which will only be granted in extraordinary circumstances. See In re Beard, 811 F.2d 818, 826 (4th Cir. 1987) (citing Kerr v. United States Dist. Court, 426 U.S. 394 (1976)). The party seeking mandamus relief has the heavy burden of showing that he has no other adequate avenues of relief and that his right to the relief sought is “clear and indisputable.” Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980) (citations omitted); In re First Fed. Sav. & Loan Ass’n, 860 F.2d 135, 138 (4th Cir. 1988). We find that Arora has not met his burden of proving that mandamus is the proper remedy in this situation. Further, Arora filed a motion in the district court seeking compliance with the court’s December 2001 order, and the district court denied this motion. Arora did not file an appeal from the denial of this motion, and the time for filing an appeal has expired. A mandamus petition may not be used as a substitute for appeal. See In re United Steelworkers of Am., 595 F.2d 958, 960 (4th Cir. 1979).

Accordingly, while we grant Arora's motion for this court to take judicial notice of our opinion in his prior appeal and a letter sent from our Clerk's office, and while we grant leave to proceed in forma pauperis, we deny Arora's 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