

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1442**

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MORTON M. LAPIDES, SR,

Plaintiff - Appellant,

versus

NATIONAL CITY BANK OF MINNEAPOLIS,

Defendant - Appellee.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. William D. Quarles, Jr., District Judge. (CA-04-467-1-WDQ)

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Submitted: June 10, 2004

Decided: June 17, 2004

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Before WILLIAMS and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Morton M. Lapidés, Sr., Appellant Pro Se. Gregory Alan Cross, Charles Michael Campisi, VENABLE, L.L.P., Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Morton M. Lapides, Sr. appeals from the district court's denial of his petition for writ of mandamus, which sought an order directing Chief Bankruptcy Judge Schnieder to act on a motion for recusal. Mandamus is a drastic remedy and should only be used in extraordinary situations. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). The appropriate remedy for a party aggrieved by a judgment is appeal. A petition for writ of mandamus is not a substitute for an appeal. In re Catawba Indians, 973 F.2d 1133, 1135 (4th Cir. 1992).

Because Lapides fails to establish a clear right to the relief he seeks, he is not entitled to mandamus relief. Thus, we affirm the district court's order for the reasons stated by the district court. Lapides v. National City Bank of Minneapolis, No. CA-04-467-1-WDQ (D. Md. Mar. 8, 2004). Additionally, we affirm the district court's order denying reconsideration. 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.

AFFIRMED