

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1351

In Re: PHILIP M. KLEINSMITH,

Petitioner.

On Petition for Writ of Mandamus.

Submitted: December 28, 2005

Decided: January 24, 2006

Before WILKINS, Chief Judge, and LUTTIG and TRAXLER, Circuit
Judges.

Petition denied by unpublished per curiam opinion.

Philip M. Kleinsmith, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Philip M. Kleinsmith has filed an action in this court requesting that we "overrule [the district court's] taking and thereby make Mr. Kleinsmith an attorney in good standing in the Maryland U.S. District Court." The United States District Court for the District of Maryland declined to renew Kleinsmith's admission to the bar of that court because he refused to agree to pro bono assignments in that district. We construe Kleinsmith's filings as a request for mandamus relief and deny it.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re First Fed. Sav. & Loan Assn., 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should be used only in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Kleinsmith is not available by way of mandamus. Accordingly, we deny his request for mandamus relief. 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