

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-6771

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In Re: RANDY LEE HAMMITT,

Petitioner.

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On Petition for Writ of Prohibition and Mandamus.  
(3:04-cr-00142-MU)

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Submitted: July 31, 2006

Decided: August 21, 2006

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Before WILKINSON, GREGORY, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Randy Lee Hammitt, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Randy Lee Hammitt petitions for writ of prohibition and mandamus seeking an order directing the district court to vacate its prior orders and to cease further proceedings related to Hammitt. We conclude that Hammitt is not entitled to relief.

Mandamus and prohibition relief are 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); In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983). Further, mandamus and prohibition are drastic remedies and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); Vargas, 723 F.2d at 1468; In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). It is well-established that mandamus and prohibition may not be used as a substitute for appeal. Vargas, 723 F.2d at 1461; In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

A district court possesses jurisdiction to enforce its orders with contempt proceedings. See 18 U.S.C.A. § 401 (West 2000 & Supp. 2005); Cromer v. Kraft Foods North America, 390 F.3d 812, 820 (4th Cir. 2004). A litigant who is aggrieved by a district court's exercise of its contempt authority may seek review of the court's final judgment by filing a timely notice of appeal. Accordingly, because Hammitt may challenge any adverse final judgment of the district court by direct appeal, the relief he

seeks in this proceeding is not available by way of mandamus or prohibition. We therefore deny the petition. 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