

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7703

In re: EDGAR SEARCY,

Petitioner.

On Petition for a Writ of Mandamus
(CA-06-01664-GRA)

Submitted: October 6, 2006

Decided: October 6, 2006

Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Edgar Searcy, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Edgar Searcy petitions for a writ of mandamus pursuant to the Crime Victims' Rights Act, 18 U.S.C. § 3771. He asserts that the district court has denied him the right to obtain restitution for a crime of violence and that the Crime Victims' Rights Act entitles him to mandamus relief from this Court. 18 U.S.C. § 3771(a)(6) & (d)(3).

Petitioner filed a RICO civil conspiracy suit in the district court alleging that he had been the victim of assault by another inmate. The complaint sought restitution and damages. The magistrate judge recommended dismissal of the complaint. Petitioner filed objections to the magistrate judge's recommendation, and the district judge adopted the recommendation and dismissed the complaint. Petitioner then filed this mandamus petition alleging that he is entitled under 18 U.S.C. § 3771 to the rights of a crime victim to obtain restitution in federal court.

Complainant's petition for mandamus relief is denied. Complainant was not entitled to the protections of 18 U.S.C. § 3771 in his civil RICO proceeding. If he was dissatisfied with the district court's dismissal of his civil RICO complaint, review of the district court's disposition of the matter could be obtained through appeal, not by petition for writ of mandamus pursuant to the 18 U.S.C. § 3771.

Finding no application of 18 U.S.C. § 3771 to these proceedings, we deny the petition.

PETITION DENIED