

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1788**

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In Re: LEO LIONEL PAYNE,  
  
Petitioner.

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On Petition for Writ of Mandamus.

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Submitted: August 18, 2008                      Decided: December 12, 2008

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Before KING and GREGORY, Circuit Judges, and WILKINS,\* Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Leo Lionel Payne, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

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\*Senior Judge Wilkins was a member of the original panel but retired prior to the decision and did not participate in it. This opinion is thus filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Leo Payne petitions this court for a writ of mandamus. He seeks relief from his state court conviction for grand larceny-auto. Payne also seeks an order directing the state court judge who presided over his criminal proceeding to take certain actions. Mandamus is a drastic remedy and should be used only in extraordinary situations. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re: Beard, 811 F.2d 818, 826 (4th Cir. 1987). The party seeking mandamus relief carries the heavy burden of showing that he has no other adequate means to obtain the relief he desires and that his entitlement to such relief is clear and indisputable. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). This court does not have jurisdiction to grant mandamus relief against state officials, Gurley v. Superior Court of Mecklenburg County, 411 F.2d 586, 587 (4th Cir. 1969), or to review state court orders, see District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983).

The relief Payne seeks is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for 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