

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-2113**

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In Re: GEORGE E. MCDERMOTT,  
  
Petitioner.

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On Petition for Writ of Mandamus. (8:10-cv-01111-AW)

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Submitted: February 28, 2011

Decided: March 4, 2011

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Before TRAXLER, Chief Judge, and KING and DIAZ, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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George E. McDermott, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

George E. McDermott petitions for a writ of mandamus and prohibition challenging the district court's remand of a foreclosure case to the state court and requesting that this court order the case to be transferred to a federal district court outside Maryland. We conclude that McDermott is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Mandamus relief is 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). The relief sought by McDermott is not available by way of mandamus. See 28 U.S.C. § 1447(d) (2006) (stating that order remanding case to the state court from which it was removed is not reviewable, on appeal or otherwise). Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition and amended petition for writ of mandamus and prohibition. We also deny McDermott's motion to clarify this court's docket. 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