

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1571

In re: SHAD EVERETTE ELLIS,

Petitioner.

On Petition for a Writ of Mandamus
(3:10-cv-00076-MOC-DSC)

Submitted: August 18, 2011

Decided: August 22, 2011

Before WILKINSON, DAVIS, and KEENAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Shad Everette Ellis, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shad Ellis petitions for a writ of mandamus seeking an order compelling the district court to act on his notice of default judgment. We conclude that Ellis 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). Further, 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).

Ellis is not entitled to a default judgment, nor is the district court under a duty to grant such a judgment. Thus, the relief sought by Ellis is not available by way of mandamus. Accordingly, 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