

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1633

In re: JOSEPH L. WESTFALL,

Petitioner.

On Petition for Writ of Mandamus. (2:09-cv-00103-JPB)

Submitted: October 18, 2011 Decided: October 20, 2011

Before WILKINSON, MOTZ, and DIAZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Joseph L. Westfall, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph L. Westfall petitions for a writ of mandamus seeking an order directing the Barbour County, West Virginia, Circuit Court to grant him a new trial. 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).

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), and does not have jurisdiction to review final state court orders, District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983). The relief sought by Westfall is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny Westfall's petition for a writ of mandamus. We also deny Westfall's pending motion for the return of his West Virginia driver's license and other property. 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