

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 12-1105**

---

In re: RAPHAEL MENDEZ,

Petitioner.

---

On Petition for a Writ of Mandamus.  
(5:91-hc-00350-BR)

---

Submitted: March 15, 2012

Decided: March 20, 2012

---

Before DUNCAN and FLOYD, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

---

Petition denied by unpublished per curiam opinion.

---

Raphael Mendez, Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Raphael Mendez petitions for a writ of mandamus seeking an order directing that he be released from civil commitment and returned to the Virgin Islands. We conclude that Mendez 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).

Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). Mendez fails to show he is entitled to the relief he seeks. The relief sought by Mendez 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 and the supplemental 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