

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1097

In Re: JUDY KAY MISKELL,

Petitioner.

On Petition for Writ of Mandamus.
(1:15-cv-00019-CCB; 1:12-cv-00742-CCB)

Submitted: March 18, 2015

Decided: April 10, 2015

Before NIEMEYER and AGEE, Circuit Judges, and HAMILTON, Senior
Circuit Judge

Petition denied by unpublished per curiam opinion.

Judy Kay Miskell, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Judy Kay Miskell petitions for a writ of mandamus seeking an order granting her a jury trial. Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. 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 relief is available to remedy the improper denial of a jury trial. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). However, because Miskell's district court cases are both closed, she is not entitled to a jury trial. Thus, the relief sought by Miskell is not available by way of mandamus.

Accordingly, we deny the petition for writ of mandamus and Miskell's motion concerning judicial review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED