

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7193

DAVID HILL,

Plaintiff - Appellant,

v.

WILLIAM B. TRAXLER, JR., Chief Judge for the Fourth Circuit Court of Appeals; PAUL V. NIEMEYER, Circuit Court Judge; JAMES MICHAEL, Circuit Court Judge; WIDENER, Circuit Court Judge; CLAUDE M. HILTON, District Court Judge assigned to Alexandria; T. S. ELLIS, III, District Court Judge assigned to Alexandria,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (2:15-cv-00137-RAJ-TEM)

Submitted: December 15, 2015 Decided: December 28, 2015

Before KEENAN, WYNN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Hill, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Hill appeals the district court's order dismissing under 28 U.S.C. § 1915A(b) (2012) his complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and the court's subsequent order denying Hill's Fed. R. Civ. P. 59(e) motion to alter or amend that judgment. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Hill v. Traxler, No. 2:15-cv-00137-RAJ-TEM (E.D. Va. May 11, 2015 & July 15, 2015).

In conjunction with this appeal, Hill has filed a petition for a writ of mandamus, seeking an order directing the district court to act on Hill's application to proceed in forma pauperis (IFP). Given its dismissal of the action, the district court declined to act on the IFP application, instead declaring it moot.

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). Hill does not identify any extraordinary reason to compel the district court to act on the IFP application, and we

discern no basis in the record for granting Hill the relief he seeks. Accordingly, we deny the pending mandamus petition. 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.

AFFIRMED