

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-2963

In Re: CHRIS J. EUBANKS,

Petitioner.

On Petition for Writ of Mandamus. (CA-95-117)

Submitted: January 18, 1996

Decided: January 31, 1996

Before HAMILTON and LUTTIG, Circuit Judges, and CHAPMAN, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Chris J. Eubanks, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Chris J. Eubanks petitions this court for a writ of mandamus pursuant to Fed. R. App. P. 21, requesting that we direct a district court judge to enter a default judgment against the Defendants in Eubanks's pending civil rights action.

Mandamus is an extraordinary writ that should be granted only in unusual circumstances not present here. Kerr v. United States District Court, 426 U.S. 394 (1976). Further, it cannot be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). Accordingly, we deny Eubanks's 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