

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-507**

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In Re: ROBERT STANLEY PLIMPTON,

Petitioner.

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On Petition for Writ of Mandamus. (CA-96-265-1-T)

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Submitted: February 20, 1997

Decided: March 5, 1997

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Before HALL and MURNAGHAN, Circuit Judges, and BUTZNER, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Robert Stanley Plimpton, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert Stanley Plimpton has filed a petition for a writ of mandamus in this court seeking an order directing the district court to grant his motion for default judgment. Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Mandamus relief is only available when there are no other means by which the relief sought could be granted, In re Beard, 811 F.2d 818, 826 (4th Cir. 1987), and may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). The party seeking mandamus relief carries the heavy burden of showing that he has "no other adequate means to attain the relief he desires" and that his right to such relief is "clear and indisputable." Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Plimpton has not made such a showing. Accordingly, we deny mandamus relief. 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