

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-548

In Re: W. A. MACGUIRE,

Petitioner.

On Petition for Writ of Mandamus. (CA-96-1235-A)

Submitted: April 17, 1997

Decided: June 17, 1997

Before NIEMEYER and WILLIAMS, Circuit Judges, and BUTZNER, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

W. A. MacGuire, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

William A. MacGuire filed a mandamus petition in this court after the district court denied his application for a temporary restraining order, preliminary injunction, and permanent injunction against the Secretary-Treasurer of the Virginia Board of Bar Examiners. Finding that the facts and claims of this action have been repeatedly addressed by state and federal courts, the district court dismissed the action on the grounds of res judicata and collateral estoppel. Essentially, MacGuire appeals the district court's decision.

The granting of the writ is a drastic remedy and should only be granted in extraordinary situations.¹ MacGuire must show that he has no other avenue for relief and that his right to relief is clear and undisputable.² MacGuire fails to meet his burden, and mandamus relief cannot be used as a substitute for appeal.³

Accordingly, although we grant leave to proceed in forma pauperis, we deny the motion to view the entire case file, and deny the petition. 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.

¹ In re Beard, 811 F.2d 818, 827 (4th Cir. 1987).

² Mallard v. United States Dist. Court, 490 U.S. 296, 309 (1989).

³ In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

PETITION DENIED