

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7555

In Re: JAMES L. PADGETT, JR.; ROBERT F. DIEHL,

Petitioners.

On Petition for Writ of Mandamus. (CA-98-1259-12-AK)

Submitted: April 15, 1999

Decided: April 21, 1999

Before NIEMEYER and HAMILTON, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

James L. Padgett, Jr., Robert F. Diehl, Petitioners Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James L. Padgett, Jr., and Robert F. Diehl have filed a petition for a writ of mandamus from this court seeking an order enjoining the warden of Kershaw Correctional Institution in Kershaw, South Carolina, from enforcing certain policies regarding prisoners in the segregation unit at that institution. Mandamus is a drastic remedy to be used only in extraordinary circumstances. See 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, see In re Beard, 811 F.2d 818, 826 (4th Cir. 1987), and may not be used as a substitute for appeal. In re Catawba Indian Tribe of S. Carolina, 973 F.2d 1133, 1135 (4th Cir. 1992). The more appropriate forum for the petitioners' claims regarding the warden's actions is a civil complaint under 42 U.S.C. § 1983 (1994). 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