

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7031

In Re: LINWOOD DOUGLAS THORNE,

Petitioner.

On Petition for Writ of Mandamus. (CR-94-453-HNM)

Submitted: September 9, 1999 Decided: September 15, 1999

Before ERVIN, WILKINS, and HAMILTON, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Linwood Douglas Thorne, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Linwood Douglas Thorne has filed a petition for a writ of mandamus from this court seeking an order instructing the Respondent to provide him with a copy of the transcript of the grand jury proceeding that lead to Thorne's indictment. 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. See In re Catawba Indian Tribe of S. Carolina, 973 F.2d 1133, 1135 (4th Cir. 1992). Accordingly, although we grant Thorne's motion to proceed in forma pauperis, we deny mandamus relief. Thorne's motion to expedite this petition is now moot and is denied for that reason. 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