

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6362

In Re: EL SHADDAI MASADA,

Petitioner.

On Petition for Writ of Mandamus.
(CA-01-2536-9-17BG)

Submitted: April 25, 2002

Decided: May 8, 2002

Before WILLIAMS and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

El Shaddai Masada, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

El Shaddai Masada filed this mandamus petition seeking to compel the district court to reinstate two dismissed defendants in his civil action. Mandamus is a drastic remedy only to be used in extraordinary circumstances. In re Beard, 811 F.2d 818, 826-27 (4th Cir. 1987). Mandamus relief is available only when the petitioner has a clear and indisputable right to the relief sought and there are no other adequate means for obtaining the requested relief. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980); Beard, 811 F.2d at 826. Mandamus is not a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). Because Masada has not demonstrated both a clear right to relief and the absence of other means to obtain the relief, we deny the petition.

We grant Masada's motion to proceed in forma pauperis. We deny Masada's motion for recusal of the magistrate judge, for sanctions, and to consolidate this case with another mandamus 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.

PETITION DENIED