

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6567**

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In Re: BERNARD S. LEVI,

Petitioner.

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On Petition for Writ of Mandamus. (CA-00-2318)

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Submitted: May 16, 2002

Decided: May 28, 2002

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Bernard S. Levi, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bernard S. Levi filed this mandamus petition seeking to compel prison officials to restrain from tampering with his legal mail. 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. Levi has not demonstrated his right to the relief sought and he has an adequate remedy in that he may file a civil complaint in district court. We find Levi is not entitled to the drastic remedy of mandamus relief.

We grant Levi's motion for leave to proceed in forma pauperis and deny as unnecessary Levi's motion to waive the filing fee. We deny Levi's motions for a preliminary injunction and temporary restraining order. 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