

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1417

In Re: DR. SIMON BANKS, J.D.,

Petitioner.

On Petition for Writ of Mandamus
(CA-04-399)

Submitted: May 13, 2004

Decided: May 18, 2004

Before WILKINSON, MOTZ, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Dr. Simon Banks, J.D., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Dr. Simon Banks, J.D., petitions this court for writ of mandamus seeking to compel the district court and the District of Columbia Court of Appeals to stay proceedings. Mandamus is a drastic remedy to be used only in extraordinary circumstances. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987) (citing Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976)). It is available only when there are no other means by which the relief sought could be granted. Id. Mandamus may not be used as a substitute for appeal. In re Catawba Indian Tribe, 973 F.2d 1133, 1135 (4th Cir. 1992). The party seeking mandamus relief carries the heavy burden of showing that he has no other adequate means to attain the relief he desires and that his entitlement to such relief is clear and undisputable. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980).

We find Banks has not shown he is entitled to the relief he seeks. Accordingly, we deny the petition for writ of mandamus. Insofar as the petition for writ of mandamus may have sought other forms of relief, we deny those requests. We also deny his motion for an injunction. 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