

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7058

In Re: OKANG KAREEM ROCHELLE,

Petitioner.

On Petition for Writ of Mandamus. (1:05-cr-00112-UA)

Submitted: August 3, 2007

Decided: August 17, 2007

Before MICHAEL and GREGORY, Circuit Judges, and WILKINS, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Okang Kareem Rochelle, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Okang Kareem Rochelle, a federal inmate, petitions this court for a writ of mandamus. Rochelle seeks to challenge a February 2, 2006 order from the Middle District of North Carolina finding him incompetent to stand trial. 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 only available 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, 1136 (4th Cir. 1992). Although we grant Rochelle's motion to proceed in forma pauperis, we deny his petition for writ of mandamus as he could have filed a direct appeal from the district court's February 2, 2006 order finding him incompetent to stand trial. His failure to have availed himself of that remedy does not entitle him to seek relief by the alternative of mandamus. In light of this disposition, Rochelle's motion to expedite is denied as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and oral argument would not aid the decisional process.

PETITION DENIED