

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1497

In Re: MOHAMMED A. SERDAH,

Petitioner.

On Petition for Writ of Mandamus. (7:11-cv-00023-sgw-mfu)

Submitted: May 13, 2011

Decided: May 25, 2011

Before MOTZ, GREGORY, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Mohammed A. Serdah, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mohammed A. Serdah petitions for writs of mandamus and prohibition seeking unspecified relief and seeking clarification of a federal statute. Serdah also moves this court to stay the hearing scheduled before the district court on May 19, 2011. We deny the motion for stay and conclude that Serdah is not entitled to relief.

Writs of mandamus and prohibition are drastic remedies and should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976) (mandamus); In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983) (prohibition). Further, such relief is available only when the petitioner has a clear right to the relief sought, United States v. Moussaoui, 333 F.3d 509, 517 (4th Cir. 2003) (mandamus); Vargas, 723 F.2d at 1468 (prohibition), and may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007) (mandamus); Vargas, 723 F.2d at 1468 (prohibition).

We conclude that Serdah has not demonstrated entitlement to a stay of the hearing scheduled by the district court and accordingly decline Serdah's request. We also conclude that Serdah has not satisfied the prerequisites for issuance of a writ of mandamus or writ of prohibition. Accordingly, we deny the petition and the motion for stay. We deny any outstanding motions, including Serdah's motion for the

record to be forwarded. 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