

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-540**

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In Re: WILBERT GUICE,

Petitioner.

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On Petition for Writ of Mandamus. (CR-96-240)

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Submitted: June 19, 1997

Decided: June 27, 1997

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

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Petition denied by unpublished per curiam opinion.

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Wilbert Guice, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wilbert Guice has filed a petition for a writ of mandamus from this court seeking an order compelling the district court to dismiss the criminal indictment against him. Mandamus is a drastic remedy to be used only in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Mandamus relief is only available when there are no other means by which the relief sought could be granted, see In re Beard, 811 F.2d 818, 826 (4th Cir. 1987), and may not be used as a substitute for appeal. In re Catawba Indian Tribe of South Carolina, 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 right to such relief is "clear and indisputable." Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Guice has not made such a showing. Accordingly, we deny mandamus relief. 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