

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-501

In Re: LISA BURT, c/o Darrell Burns, minor
son,

Petitioner.

On Petition for Writ of Mandamus. (CA-97-3416-CCB)

Submitted: February 17, 1998

Decided: March 17, 1998

Before LUTTIG, HAMILTON, and WILLIAMS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Lisa Burt, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lisa Burt, acting on behalf of her minor son Darrell Burns, has filed a petition for a writ of mandamus ordering the district court to issue her a default judgment in a civil rights action she filed against various members of the Denton Sheriff's Department. 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. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). The party seeking mandamus relief carries the heavy burden of showing that she has "no other adequate means to attain the relief [she] desires" and that her right to such relief is "clear and indisputable." Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Burt has not made such a showing. Accordingly, although we grant Burt's motion to proceed in forma pauperis, we deny her motion to expedite and 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