

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-542

In Re: TOY BURTRON MADDEN,

Petitioner.

On Petition for Writ of Mandamus. (CR-94-440-JFM)

Submitted: July 2, 1998

Decided: July 22, 1998

Before NIEMEYER and HAMILTON, Circuit Judges, and HALL, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Toy Burtron Madden, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Toy Burtron Madden has filed a petition for a writ of mandamus seeking to have this court declare that the district court did not have jurisdiction over his bank robbery charges, asking for a change in venue, and requesting release. 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 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 indisputable." Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980) (citation omitted). Madden has not made such a showing. Accordingly, although we grant Madden's motion to proceed in forma pauperis, we deny his petition for 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