

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-546

In Re: RICHARD A. CAROLINA,

Petitioner.

On Petition for Writ of Mandamus.
(CA-97-1312-6-17AK)

Submitted: August 13, 1998

Decided: September 1, 1998

Before WIDENER and WILKINS, Circuit Judges, and HALL, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Richard A. Carolina, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Richard A. Carolina has filed a petition for a writ of mandamus from this court seeking an order compelling the district court to grant his motion to compel discovery in a civil case terminated adverse to Carolina. 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 of S. Carolina, 973 F.2d 1133, 1135 (4th Cir. 1992). Accordingly, although we grant leave to proceed in forma pauperis, 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