

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1918

In re: DARREL R. FISHER,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of North Carolina, at Raleigh. (5:10-hc-02234-D; 5:18-hc-02099-FL; 5:18-ct-03165-FL; 5:18-ct-03149-FL; 5:21-ct-03186-D; 5:19-hc-02340-M)

Submitted: October 17, 2023

Decided: February 12, 2024

Before QUATTLEBAUM and HEYTENS, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Darrel R. Fisher, Petitioner Pro Se. Genna Danelle Petre, Special Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darrel R. Fisher petitions for a writ of mandamus seeking an order compelling the clerk of the federal district court in the Eastern District of North Carolina to serve process on the defendants and respondents in several cases. We conclude that Fisher is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004); *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought and “has no other adequate means to attain the relief [he] desires.” *Murphy-Brown*, 907 F.3d at 795 (alteration and internal quotation marks omitted). At bottom, Fisher seeks relief from the district court rulings in these cases. However, mandamus may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007).

The relief Fisher seeks is not available by way of mandamus. Accordingly, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED