

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1310

In Re: CORNELIUS TUCKER, JR.,

Petitioner.

No. 08-1347

In Re: CORNELIUS TUCKER, JR.,

Petitioner.

On Petitions for Writ of Mandamus. (5:07-hc-02128-H;
5:02-cr-00235-BO-1; 5:08-hc-02025-D; 5:08-hc-02029-FL)

Submitted: June 30, 2008

Decided: July 16, 2008

Before WILKINSON and MOTZ, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petitions denied by unpublished per curiam opinion.

Cornelius Tucker, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated petitions for writ of mandamus, Cornelius Tucker, Jr., seeks an order vacating the district court's January 27, 2005 order that directs that he undergo a mental health evaluation upon his release from state custody, or an order directing his transfer to another hospital facility. We conclude that Tucker is not entitled to mandamus relief.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Tucker is not available by way of mandamus. Accordingly, we deny the petitions for writ of mandamus. We also deny Tucker's motion to have additional stipulations and facts to support mandamus relief instruction, petition for certiorari on reviewable issues and interlocutory appeal, motion for reconsideration, motion to amend, motion to compel FOIA/PA, and motion for appointment of a guardian. 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.

PETITIONS DENIED