

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2472

In Re: ARTHUR RODGERS,

Petitioner.

On Petition for Writ of Mandamus.
(1:12-cv-03778-CCB)

Submitted: February 20, 2014 Decided: February 25, 2014

Before DUNCAN, DIAZ, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Arthur Rodgers, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In this petition for a writ of mandamus, Arthur Rodgers asks that we order the district court to take appropriate action to ensure that prison officials properly mail Rodgers' legal correspondence. Rodgers also seeks our review of the district court's October 16, 2013 order, which denied Rodgers' motions for a preliminary injunction, for immediate relief, to appoint counsel, to compel discovery, and for a default judgment, and to allow an appeal from that order. We conclude that Rodgers is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, 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).

Rodgers has not demonstrated his clear right to the relief sought, as the district court's docket reveals that many of his filings have been received and properly docketed. Further, we decline to review the district court's October 16, 2013 order by way of mandamus because mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007).

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