

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 06-7608**

---

In Re: VINCENT F. RIVERA,

Petitioner.

---

On Petition for Writ of Mandamus.

---

Submitted: November 15, 2006

Decided: November 27, 2006

---

Before WIDENER, WILKINSON, and MOTZ, Circuit Judges.

---

Petition denied by unpublished per curiam opinion.

---

Vincent F. Rivera, Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Vincent F. Rivera petitions for a writ of mandamus seeking an order directing the district court to accept his complaint for filing and challenging the validity of 28 U.S.C. § 1915 (2000), which was amended by the Prison Litigation Reform Act. We conclude that Rivera 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 only be used in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Additionally, 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 Rivera is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny Rivera's motion objecting to the terms of the Prison Litigation Reform Act and deny the petition for writ of mandamus. Rivera's motion to expedite is denied as moot. 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