

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-7656**

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In Re: PAUL NAGY,

Petitioner.

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On Petition for Writ of Mandamus.  
(5:98-hc-00951-BR)

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Submitted: October 18, 2006

Decided: November 1, 2006

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Before WILKINSON, SHEDD, and DUNCAN, Circuit Judges.

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Petition dismissed by unpublished per curiam opinion.

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Paul Nagy, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Paul Nagy petitions this court for a writ of mandamus, seeking disqualification of the district court, his attorney, and a therapist. Mandamus is a drastic remedy and should be used only in extraordinary situations. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus relief is only available when there are no other means by which the relief sought could be granted, id., and may not be used as a substitute for appeal. In re Catawba Indian Tribe, 973 F.2d 1133, 1135 (4th Cir. 1992). The party seeking mandamus relief carries the heavy burden of showing that he has no other adequate means to attain the relief he desires and that his entitlement to such relief is clear and indisputable. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Nagy has failed to make the requisite showing, and we dismiss the mandamus petition. We deny the motions for leave to proceed in forma pauperis, for hearing en banc, and for disqualification of certain judges, and 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. The emergency motion to expedite is denied as moot.

PETITION DISMISSED