

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-1418

In Re: HENRY T. SANDERS,

Petitioner.

On Petition for Writ of Mandamus.
(8:06-cv-01528-DKC)

Submitted: August 23, 2007

Decided: August 28, 2007

Before WILLIAMS, Chief Judge, and WILKINS and HAMILTON, Senior
Circuit Judges.

Petition denied by unpublished per curiam opinion.

Henry T. Sanders, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Henry T. Sanders petitions for a writ of mandamus seeking relief from this court. We conclude that Sanders 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). Mandamus may not be used as a substitute for appeal, In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979), and this court does not have jurisdiction to either grant mandamus relief against state officials, Gurley v. Superior Court of Mecklenburg County, 411 F.2d 586, 587 (4th Cir. 1969), or review final state court orders, District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983).

The relief sought by Sanders is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, 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 the court and argument would not aid the decisional process.

PETITION DENIED