

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 07-6941

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In Re: MICHAEL ALLEN KOKOSKI,

Petitioner.

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On Petition for Writ of Mandamus. (5:06-cv-00849)

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Submitted: July 31, 2007

Decided: August 17, 2007

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Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Michael Allen Kokoski, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Allen Kokoski petitions this court for a writ of mandamus ordering his immediate release from the Federal Bureau of Prisons. Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Mandamus relief is available only when there are no other means by which the relief sought could be granted, In re Beard, 811 F.2d 818, 826 (4th Cir. 1987), 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 bears the heavy burden of showing he has no other adequate means to obtain the relief sought and that his entitlement to relief is "clear and indisputable." Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Kokoski failed to show he is entitled to the relief he seeks and we deny his petition for writ of mandamus. We grant his motion for leave to proceed in forma pauperis. 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