

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2055

In Re: STUART WAYNE TOMPKINS,

Petitioner.

On Petition for Writ of Mandamus. (1:08-cv-00322-GCM)

Submitted: January 21, 2009 Decided: February 19, 2009

Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Stuart Wayne Tompkins, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stuart Wayne Tompkins, a North Carolina prisoner, petitions for a writ of mandamus. Tompkins asserts that he has had difficulty sending and receiving mail at Mountain View Correctional Institution, and he seeks an order compelling a federal investigation. We deny the petition.

A writ of mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Relief under this writ is available only when there is no other means for obtaining relief. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). The party seeking relief carries the heavy burden of showing that he has "no other adequate means to attain the relief he desires" and that his right to such relief is "clear and indisputable." Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980).

Tompkins has not made such a showing in this case. Accordingly, we deny the petition. 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