

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2173

In Re: JEREMY R. MARTIN,

Petitioner.

On Petition for Writ of Mandamus. (5:08-ct-03013-BO)

Submitted: December 9, 2008 Decided: December 24, 2008

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Jeremy R. Martin, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeremy R. Martin petitions for a writ of mandamus. He seeks an order granting two requests for subpoenas pending in the district court and a second motion for an extension of time to respond to the motion for summary judgment. We note that the district court's docket sheet does not show that a second motion for an extension of time was filed by Martin.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re: First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should be used only in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re: Beard, 811 F.2d 818, 826 (4th Cir. 1987).

Because Martin does not have a clear right to the requested relief, we deny his 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