

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1320

In Re: ALFRED T. THOMAS; RANDY L. THOMAS, As Guardian Ad
Litem,

Petitioners.

On Petition for Writ of Mandamus. (3:06-cv-00238-GCM)

Submitted: April 29, 2010

Decided: May 4, 2010

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Alfred T. Thomas, Randy L. Thomas, Petitioners Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alfred T. Thomas, through his Guardian Ad Litem, Randy L. Thomas, petitions for a writ of mandamus seeking reconsideration of a district court order and our opinion affirming the order, as well as an order vacating a child custody decree. We conclude that Thomas 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). This court does not have jurisdiction to grant mandamus relief against state officials, Gurley v. Superior Court of Mecklenburg County, 411 F.2d 586, 587 (4th Cir. 1969), and does not have jurisdiction to review final state court orders, District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983).

The relief sought by Thomas 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

deny Thomas' "motion to enjoin new defendant" 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.

PETITION DENIED