UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1359

In Re: ISAAC LEE WOODS; REGINA BAILEY WOODS,

        Petitioners.

On Petition for Writ of Mandamus. (5:05-cr-00131-FL)

Submitted: May 10, 2010   Decided: June 10, 2010

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Isaac Lee Woods, Regina Bailey Woods, Petitioners Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Isaac Lee Woods and Regina Bailey Woods petition for a writ of mandamus seeking an order directing that Chief Judge Flanagan recuse herself. We conclude the Woods are not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, 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).

We note this is the third time the Woods have raised this issue in this court. See United States v. Woods, Nos. 07-4485/4486, 2008 WL 4499976 (4th Cir. Oct. 8, 2008) (unpublished) (recusal issue raised in their pro se supplemental brief); United States v. Woods, Nos. 08-8562, 09-6271/6671/6953, 2009 WL 2480808 (4th Cir. Aug. 14, 2009) (unpublished) (an appeal from the district court order denying their motion for recusal). Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). Nor have the Woods shown they are entitled to the relief sought by way of mandamus. Accordingly, 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