

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1451

DEREK N. JARVIS; SHIRLEY J. PITTMAN,

Plaintiffs - Appellants,

v.

GRADY MANAGEMENT, INCORPORATED; DUFFIE, INCORPORATED; APRIL
LANE JOINT VENURES; MONTGOMERY COUNTY GOVERNMENT/MONTGOMERY
COUNTY EXECUTIVE; MONTGOMERY COUNTY HOUSING AND COMMUNITY
AFFAIRS OFFICE; MONTGOMERY COUNTY ATTORNEY'S OFFICE,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Peter J. Messitte, Senior District
Judge. (8:09-cv-00280-PJM)

No. 10-1550

In Re: DEREK N. JARVIS; SHIRLEY J. PITTMAN,

Petitioners.

On Petition for Writ of Mandamus. (8:09-cv-00280-PJM)

Submitted: August 26, 2010

Decided: August 31, 2010

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

No. 10-1451 dismissed; No. 10-1550 petition denied by unpublished per curiam opinion.

Derek N. Jarvis, Shirley J. Pittman, Appellants/Petitioners Pro Se. Charles Lowell Frederick, COUNTY ATTORNEY'S OFFICE, Rockville, Maryland; Edward P. Henneberry, ORRICK, HERRINGTON & SUTCLIFFE, LLP, Washington, DC; John Benjamin Raftery, OFFIT KURMAN, PA, Bethesda, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derek N. Jarvis and Shirley J. Pittman appeal from the district court's order, in their civil action, directing them to file a supplement to their amended complaint that contains a short, plain statement of facts, as required by Fed. R. Civ. P. 8(a)(2). Appellants seek to appeal this order. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The order appealed is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction.

Appellants have also filed a petition for writ of mandamus seeking this court to compel the district court judge to recuse himself from their proceeding below. 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). Appellants have not made such a showing. 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.

No. 10-1451 DISMISSED
No. 10-1550 PETITION DENIED