

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7604

T. TERELL BRYAN,

Petitioner - Appellant,

v.

MYLINDA D. NETTLES, Hampton County Clerk of Court;
HONORABLE MICHAEL G. NETTLES; SALLEY W. ELLIOTT, Assistant
Deputy General,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Terry L. Wooten, District Judge.
(4:10-cv-00027-TLW).

Submitted: January 18, 2011 Decided: January 28, 2011

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

T. Terell Bryan, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terence Terell Bryan appeals the district court's order adopting the magistrate judge's report and recommendation and dismissing his mandamus petition. In his petition, Bryan sought to compel production of a "59(e)" motion from a South Carolina state court. The district court dismissed his petition for lack of subject matter jurisdiction. Bryan v. Nettles, No. 4:10-cv-00027-TLW (D.S.C. July 21, 2010). On appeal, Bryan admits that he filed his mandamus petition in the wrong court and requests a transfer to the South Carolina Supreme Court. For the reasons set forth below, we affirm the district court's order and deny Bryan's motion to transfer his petition to the South Carolina Supreme Court.

The federal courts may not exercise supervisory authority over state courts and lack jurisdiction to issue writs of mandamus compelling action by state courts. See Gurley v. Superior Court of Mecklenburg Cnty., 411 F.2d 586, 587 (4th Cir. 1969). Therefore, as Bryan concedes, the district court properly declined to issue a writ of mandamus. Further, a federal court lacks authority to transfer a case over which it lacks jurisdiction to state court. 28 U.S.C. §§ 610, 1631 (2006); see also Moravian Sch. Advisory Bd. v. Rawlins, 70 F.3d 270, 274 (3d Cir. 1995). Thus, we may not transfer Bryan's action to the South Carolina Supreme Court.

Accordingly, we affirm the district court's order and deny Bryan's motion to transfer his petition to the South Carolina Supreme Court. 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.

AFFIRMED