<u>**UNPUBLISHED**</u>

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1823

In Re: RONALD COULTER,

              Petitioner.

On Petitions for Writs of Mandamus and Prohibition.
(0:08-cv-02762-PMD)

Submitted: November 28, 2011   Decided: December 1, 2011

Before WILKINSON and GREGORY, Circuit Judges, and HAMILTON,
Senior Circuit Judge

Petitions denied by unpublished per curiam opinion.

Ronald Coulter, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ronald Coulter petitions for a writ of mandamus and a writ of prohibition seeking to vacate the district court's order granting summary judgment for Respondent on his 28 U.S.C. § 2254 (2006) petition and to compel the district court to review his claims under the proper standard. We conclude that Coulter is not entitled to relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. 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). Likewise, "a writ of prohibition is a drastic and extraordinary remedy which should be granted only when the petitioner has shown his right to the writ to be clear and undisputable and that the actions of the court were a clear abuse of discretion." In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983). Neither a writ of mandamus nor a writ of prohibition may be used as a substitute for appeal. Id. (prohibition); In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007) (mandamus).

The relief sought by Coulter is not available by way of mandamus or prohibition. Accordingly, although we grant

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leave to proceed in forma pauperis, we deny Coulter's petitions. 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.

<div align="right">PETITIONS DENIED</div>