

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 12-2525**

---

In re: CHARLES PYNE,

Petitioner.

---

On Petition for Writ of Prohibition.  
(No. 8:04-cr-00018-AW-3)

---

Submitted: January 17, 2013

Decided: January 22, 2013

---

Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

---

Petition denied by unpublished per curiam opinion.

---

Charles Pyne, Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Pyne petitions for a writ of prohibition, seeking an order directing the district court to recuse itself from any further participation regarding his pending Fed. R. Civ. P. 60(b)(4) motion. We conclude that Pyne is not entitled to relief.

A writ of prohibition is a drastic remedy that should be granted only where the petitioner's right to the requested relief is clear and indisputable. In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983). Further, a writ of prohibition should be granted only where the petitioner has no other adequate means of relief, In re Banker's Trust Co., 775 F.2d 545, 547 (3d Cir. 1985), and may not be used as a substitute for appeal. In re Missouri, 664 F.2d 178, 180 (8th Cir. 1981).

The relief sought by Pyne is not available by way of a writ of prohibition. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for a writ of prohibition. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED