

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1331

In re: ERIC FLORES,

Petitioner.

On Petition for Writ of Mandamus.

Submitted: April 18, 2013

Decided: April 23, 2013

Before WILKINSON, GREGORY, and DAVIS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Eric Flores, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric Flores petitions for a writ of mandamus, alleging that the Deputy Assistant Secretary for Enforcement of the U.S. Department of Education has unduly delayed in ruling on his appeal. He seeks an order from this court directing the Deputy Assistant Secretary to impose sanctions against the University of Texas at El Paso for alleged violations of Titles VI and VII of the Civil Rights Act.

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).

The relief sought by Flores is not available by way of mandamus. Accordingly, we deny leave to proceed in forma pauperis, deny Flores' motions to exceed length limitations, and 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 this court and argument would not aid the decisional process.

PETITION DENIED