

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1796

In Re: JACOB ALAN SHOUSE,

Petitioner.

On Petition for Writ of Mandamus.
(2:11-cv-00464-AWA-TEM)

Submitted: August 22, 2013

Decided: August 26, 2013

Before MOTZ, DIAZ, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Jacob Alan Shouse, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jacob Alan Shouse petitions for a writ of mandamus seeking an order compelling the district court to effect service of process on the Defendant at a different address. We conclude that Shouse is not entitled to mandamus relief.

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).

While Shouse is correct that he has informed the district court of a different address for the Defendant, we conclude that mandamus relief is not appropriate at this time. Accordingly, we deny the petition for writ of mandamus without prejudice to Shouse's filing another petition should the district court fail to attempt service of process at the address Shouse has since provided to the court. 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