

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1942

In Re: KAREEM ABDULLAH KIRK-BEY,

Petitioner.

On Petition for Writ of Mandamus.
(3:12-cv-00106-RJC)

Submitted: November 4, 2013 Decided: November 8, 2013

Before WILKINSON, SHEDD, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Kareem Abdullah Kirk-Bey, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kareem Abdullah Kirk-Bey petitions for a writ of mandamus seeking an order requiring the district court to honor the "Averment of Jurisdiction" he filed, to stop the collection of funds from his prison account, and to return funds previously collected. We conclude that Kirk-Bey 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). Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). The relief sought by Kirk-Bey is not available by way of mandamus. Accordingly, we deny Kirk-Bey's "Affidavit of Financial Statement," which we construe as a motion objecting to the terms of the Prison Litigation Reform Act, 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