

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2038

In re: GARY B. WILLIAMS,

Petitioner.

On Petition for Writ of Mandamus.
(No. 3:12-cv-00055-HEH)

Submitted: October 22, 2013

Decided: October 24, 2013

Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Gary Buterra Williams, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gary Buterra Williams petitions for a writ of mandamus seeking an order compelling the district court to grant his Fed. R. Civ. P. 60(b) motion. We conclude that Williams 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 Williams is not available by way of mandamus. Accordingly, we 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