

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1516

In Re: DENIS E. BERGERON; 1UP ALLSTAR SERVICENTERS, LLC,
Petitioners.

On Petition for Writ of Mandamus.
(13-02912-8-SWH; 14-00542-5-SWH)

Submitted: September 22, 2014 Decided: September 26, 2014

Before MOTZ, KING, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Denis E. Bergeron, 1Up Allstar Servicenters, LLC, Petitioners
Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Denis Bergeron and 1Up Allstar Servicers, LLC, petition for a writ of mandamus seeking an order reversing a number of rulings in the underlying bankruptcy proceedings. We conclude that the parties are 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). Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). 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 Bergeron and 1Up Allstar Servicers, LLC, is not available by way of mandamus. Accordingly, we deny the petition for writ of mandamus. We deny the motions to stay and motions to expedite. 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