

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1865

In Re: PATRICK L. BOOKER,

Petitioner.

On Petition for Writ of Mandamus.
(2:12-cv-01957-MGL)

Submitted: December 17, 2015 Decided: December 22, 2015

Before WILKINSON and GREGORY, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Patrick L. Booker, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patrick L. Booker petitions for a writ of mandamus seeking an order directing the district court to rule on the merits of each element of his First Amendment claim. We conclude that Booker is not entitled to the requested relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. 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: (1) the petitioner has a "clear and indisputable" right to the relief sought and (2) there are no other means by which the relief sought could be granted. Moussaoui, 333 F.3d at 517. Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007).

In requesting that this Court review the analysis of the district court, Booker is impermissibly using the mandamus petition as an appeal substitute. 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