

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1904

In re: ROSS A. FIORANI, JR.,

Petitioner.

On Petition for Writ of Mandamus.
(1:15-cv-00667-LO-JFA)

Submitted: November 17, 2015

Decided: November 19, 2015

Before SHEDD, DUNCAN, and DIAZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Ross A. Fiorani, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ross A. Fiorani, Jr., petitions for a writ of mandamus seeking an order directing the district court to remand his case to the state court so that it can issue default judgments. We conclude that Fiorani is not entitled to mandamus 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 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). We conclude that Fiorani is not entitled to mandamus relief. We further note that Fiorani has filed two appeals in the underlying case. See In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007) (mandamus may not be used as a substitute for appeal).

Accordingly, although we grant leave to proceed in forma pauperis, 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