

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-2281

In re: JAMES DOW VANDIVERE,

Petitioner.

On Petition for Writ of Mandamus.
(5:15-hc-02017-D)

Submitted: December 17, 2015

Decided: December 21, 2015

Before DIAZ and HARRIS, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

James Dow Vandivere, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Dow Vandivere petitions for a writ of mandamus seeking an order directing the district court to discharge him from detention and require proof of jurisdiction in his civil commitment proceeding and seeking review of an order entered in that proceeding. We conclude that Vandivere 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). 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 Vandivere is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We also deny Vandivere's motion for stay pending appeal. 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