

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-2573

In Re: DOMINIQUE HERMAN ADAMS,

Petitioner,

On Petition for Writ of Mandamus.
(7:10-cv-00383-SGW-mfu)

Submitted: February 23, 2016

Decided: February 25, 2016

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Dominique Herman Adams, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dominique Herman Adams petitions for a writ of mandamus or a writ of prohibition seeking an order vacating or modifying the district court's October 9, 2015, order imposing a prefiling injunction. We conclude that Adams is not entitled to mandamus relief.

Mandamus relief is a drastic remedy that should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976). Further, mandamus relief is available only when the petitioner has "no other adequate means to attain the relief he desires" and when he demonstrates his right to that relief is "clear and indisputable." United States v. Moussaoui, 333 F.3d 509, 517 (4th Cir. 2003) (internal quotation marks omitted). Likewise, "a writ of prohibition is a drastic and extraordinary remedy which should be granted only when the petitioner has shown his right to the writ to be clear and indisputable and that the actions of the court were a clear abuse of discretion." In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983). Neither a writ of mandamus nor a writ of prohibition may be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007) (mandamus); Vargas, 723 F.2d at 1468 (prohibition).

The relief Adams seeks is not available by way of mandamus or prohibition. Accordingly, although we grant leave to proceed

in forma pauperis, we deny the petition. 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