UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1715

In re: JAMES LESTER ROUDABUSH, JR.,

Petitioner.

On Petition for Writ of Mandamus

Submitted: August 25, 2016 Decided: August 29, 2016

Before NIEMEYER, DIAZ, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

James Lester Roudabush, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

James Lester Roudabush, Jr., petitions for a writ of mandamus, seeking an order from this court directing the Secretary to the Fourth Circuit Judicial Council to rescind an order prohibiting Roudabush's filing of judicial complaints under 28 U.S.C. § 351 (2012) without first obtaining leave of the Chief Judge and the Clerk of this court to file all papers Roudabush submits to the court pursuant to that statute. We conclude that Roudabush 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). 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 Roudabush is not available by way of mandamus because Roudabush fails to establish any clear right to relief from this court in the form of an order directing the rescission of a Judicial Council order and that the Clerk of this court file all papers Roudabush submits pursuant to 28 U.S.C. § 351. Accordingly, we deny the petition for a 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