

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1155

BRUCE ANTHONY DILLARD,

Plaintiff – Appellant,

v.

CHARLES E. SAMUELS, JR., Director of Federal Bureau of Prisons,

Defendant – Appellee,

and

UNITED STATES OF AMERICA,

Defendant.

Appeal from the United States District Court for the Northern District of West Virginia,
at Martinsburg. Gina M. Groh, Chief District Judge. (3:16-cv-00009-GMG-MJA)

Submitted: March 28, 2017

Decided: April 4, 2017

Before DUNCAN, THACKER, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bruce Anthony Dillard, Appellant Pro Se. Erin Carter Tison, Assistant United States
Attorney, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bruce Anthony Dillard appeals the district court's order denying his petition for a writ of mandamus seeking an order compelling the Appellee to produce evidence related to Dillard's claim. Dillard filed a complaint against the Appellee under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-80 (2012) (FTCA). The district court adopted the recommendation of the magistrate judge and dismissed the complaint for lack of subject matter jurisdiction. We affirmed the district court's order.

Dillard then filed a petition in the district court for a writ of mandamus seeking to compel the Appellee to produce evidence related to his dismissed claim. The district court denied Dillard's petition. 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).

The relief sought by Dillard is not available by way of mandamus because he had no clear right to the relief he requested. Accordingly, we affirm the district court's order. 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.

AFFIRMED