

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-2362

In re: HENRY T. SANDERS,

Petitioner.

On Petition for Writ of Mandamus. (8:16-cv-03417-TDC)

Submitted: March 22, 2018

Decided: May 29, 2018

Before NIEMEYER, TRAXLER, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Henry T. Sanders, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Henry T. Sanders petitions for a writ of mandamus seeking relief in an eviction proceeding remanded to state court. We conclude that Sanders 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). Furthermore, 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 Sanders is not available by way of mandamus. Accordingly, we grant leave to proceed in forma pauperis and 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