

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-1070**

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In re: LARRY JAMES TYLER,

Petitioner.

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On Petitions for Writ of Mandamus. (9:17-cv-01471-MGL-BM)

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Submitted: May 24, 2018

Decided: May 29, 2018

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Before NIEMEYER, MOTZ, and FLOYD, Circuit Judges.

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Petitions denied by unpublished per curiam opinion.

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Larry James Tyler, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry James Tyler, a detainee awaiting civil commitment proceedings pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. §§ 44-48-10 to -170 (2017), petitions for a writ of mandamus directing the district court to grant various motions filed in his ongoing civil action alleging restrictions on his practice of religion in violation of both 42 U.S.C. § 1983 (2012), and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc to 2000cc-5 (2012). We conclude that Tyler 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).

Tyler's civil action currently is being adjudicated in the district court and the relief sought by Tyler is not available by way of mandamus. Accordingly, we deny Tyler's petition and supplemental 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.

*PETITIONS DENIED*