

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2197

In re: JERMAINE ANTWAN TART,

Petitioner.

On Petition for Writ of Mandamus. (5:17-ct-03207-D)

Submitted: March 28, 2019

Decided: April 10, 2019

Before KEENAN and FLOYD, Circuit Judges, and DUNCAN, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Jermaine Antwan Tart, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jermaine Antwan Tart petitions this court for a writ of mandamus compelling North Carolina state prison officials to turn over legal documents and shoes allegedly stolen from Tart. We deny the petition.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Kerr v. U.S. Dist. Ct.*, 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 Murphy-Brown*, 907 F.3d 788, 795 (4th Cir. 2018). Moreover, this court does not have jurisdiction to grant mandamus relief against state officials. *Gurley v. Superior Ct. of Mecklenburg Cty.*, 411 F.2d 586, 587 (4th Cir. 1969).

Tart seeks an order directing action by state officials, but the relief he seeks is not available by way of mandamus. Accordingly, we 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