

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-2346**

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In re: PHILLIP O'BRIANT,

Petitioner.

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On Petition for Writ of Mandamus. (1:18-cv-02099-ELH)

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Submitted: February 7, 2019

Decided: February 14, 2019

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Before MOTZ, AGEE, and QUATTLEBAUM, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Phillip O'Briant, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Phillip O'Briant petitions for a writ of mandamus, asking this court to compel the district court to "fulfil [its] legal obligation under the U.S. Constitution." "[M]andamus is a drastic remedy that must be reserved for extraordinary situations." *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018) (internal quotation marks and citations omitted). "Courts provide mandamus relief only when (1) petitioner 'ha[s] no other adequate means to attain the relief [he] desires'; (2) petitioner has shown a 'clear and indisputable' right to the requested relief; and (3) the court deems the writ 'appropriate under the circumstances.'" *Id.* (quoting *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380-81 (2004)). The writ of mandamus is not a substitute for appeal. *Will v. United States*, 389 U.S. 90, 97 (1967); *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007).

We conclude that O'Briant fails to show that he is entitled to mandamus relief. Accordingly, although we grant him leave to proceed in forma pauperis, we deny his 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*