UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 23-1728

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In re: JOHN WILLIAMS MILLER,

　　　　　Petitioner.

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On Petition for Writ of Mandamus to the United States District Court for the District of South Carolina, at Columbia. (3:20-cv-00844-TMC)

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Submitted: August 7, 2023　　　　　　　　　　Decided: August 16, 2023

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Before HARRIS and HEYTENS, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Petitions denied by unpublished per curiam opinion.

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John Williams Miller, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Williams Miller petitions for a writ of mandamus seeking an order directing the district court to reinstate his employment discrimination action and enter judgment in his favor. Miller also seeks to strike or revise various entries in the district court's docket report. We conclude that Miller is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004); *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought and "has no other adequate means to attain the relief [he] desires." *Murphy-Brown*, 907 F.3d at 795 (alteration and internal quotation marks omitted). 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 Miller seeks is not available by way of mandamus. Indeed, he has already had an opportunity to appeal the district court's orders, and we affirmed the denial of relief. *See Miller v. Apple, Inc.*, No. 22-2055, 2023 WL 4181279, at *1 (4th Cir. June 26, 2023). Accordingly, we deny the mandamus petition and amended mandamus petition. 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