

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1316

In Re: RANDY L. THOMAS,

Petitioner.

On Petition for Writ of Mandamus. (3:07-cv-00200-GCM)

Submitted: May 1, 2009

Decided: June 10, 2009

Before WILKINSON, TRAXLER, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Randy L. Thomas, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Randy L. Thomas petitions for a writ of mandamus, seeking an order vacating the district court's February 13, 2008 order imposing a prefiling injunction, compelling the state court to vacate a child custody order, and addressing claims raised in prior actions. We conclude that Thomas is not entitled to mandamus relief.

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). Further, mandamus is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987).

Mandamus may not be used as "a substitute for appeal." In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). This court does not have jurisdiction to grant mandamus relief against state officials, Gurley v. Superior Court of Mecklenburg County, 411 F.2d 586, 587 (4th Cir. 1969), and does not have jurisdiction to review final state court orders, District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983).

The relief sought by Thomas is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, 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 the court and argument would not aid the decisional process.

PETITION DENIED