

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1484

In re: NIGEL CLARKE,

Petitioner.

On Petition for Writ of Mandamus. (4:02-cr-00060-FL-5; 4:10-cv-00195-H)

Submitted: June 7, 2022

Decided: August 2, 2022

Before GREGORY, Chief Judge, AGEE, Circuit Judge, and KEENAN, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Nigel Clark, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nigel Clarke petitions for a writ of mandamus seeking an order directing the district court to enter a final order disposing of his Fed. R. Civ. P. 60(b) motions. He argues that the district court's order denying his Rule 60(b) motions was not final because the court did not address all of the issues he raised in those motions.

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). To obtain mandamus relief, the petitioner “must have no other adequate means to attain the relief he desires—a condition designed to ensure that the writ will not be used as a substitute for the regular appeals process”—and “must satisfy the burden of showing that his right to issuance of the writ is clear and indisputable.” *Id.* at 380-81 (cleaned up). But “even if the first two prerequisites have been met, the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances.” *Id.* at 381.

After carefully reviewing the record, we conclude that the issuance of the writ is not appropriate in this case. Accordingly, we deny Clarke's 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