

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-1888

In re: YASMANI GURRI RUBIO,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of Virginia, at Richmond. (3:24-cv-00193-DJN)

Submitted: December 13, 2024

Decided: April 9, 2025

Before AGEE and BENJAMIN, Circuit Judges, and FLOYD, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Yasmani Gurri Rubio, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Yasmin Gurri Rubio has filed a petition for a writ of mandamus and an amended petition for writ of mandamus seeking an order compelling the district court to reverse its order dismissing his 42 U.S.C. § 1983 complaint. We conclude that Petitioner 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 (cleaned up).

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 sought by Petitioner is not available by way of mandamus. Accordingly, we deny the petition and amended 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