

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 25-1252

In re: ROGER LEE MORSE,

Petitioner.

On Petition for Extraordinary Writ to the United States District Court for the Eastern District of Virginia, at Richmond. (3:21-cv-00168-MHL)

Submitted: October 23, 2025

Decided: October 31, 2025

Before NIEMEYER and HEYTENS, Circuit Judges, and KEENAN, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Sean Christopher Timmons, TULLY RINCKEY PLLC, Sugar Land, Texas, for Petitioner.
Liza Shawn Simmons, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA,
Richmond, Virginia, for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roger Lee Morse petitions for a writ of extraordinary relief under the All Writs Act, 28 U.S.C. § 1651(a), asking that this court reopen and dismiss Morse’s prior appeal of the district court’s order dismissing, pursuant to Fed. R. Civ. P. 41(b), Morse’s second amended civil complaint, and instruct the district court to rule on the merits of Morse’s Fed. R. Civ. P. 60(b) motion. We conclude that Morse is not entitled to relief.

Federal courts “may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). However, petitioners may not obtain relief under § 1651(a) when there is another available remedy. *See United States v. Swaby*, 855 F.3d 233, 238 (4th Cir. 2017); *c.f. In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007) (reiterating that mandamus may not be used as a substitute for appeal).

We have reviewed Morse’s petition and conclude that relief under § 1651(a) is not warranted. Accordingly, we deny Morse’s 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.

PETITION DENIED