UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-2201

In Re: KEITH DOUGHERTY,

Petitioner.

On Petition for Writ of Mandamus.
(8:10-cv-02105-DKC)

Submitted: January 18, 2011 Decided: January 25, 2011

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Keith Dougherty, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Keith Dougherty petitions for a writ of mandamus seeking an order from this court directing the district court to permit Dougherty to represent the legal interests of his limited liability company in the federal district court for the District of Maryland. We conclude that Dougherty is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, 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). The relief sought by Dougherty is simply not available by way of mandamus.[*] Accordingly, we deny the petition for a writ of mandamus. We further deny Dougherty's motion to supplement the record on appeal. We dispense with oral argument because the facts and legal

[*] To the extent that Dougherty seeks review of the district court's order remanding this case to state court, we are statutorily prohibited from reviewing that order because it was based on defects in the removal process. See 28 U.S.C. § 1447(c), (d) (2006); Quackenbush v. Allstate Ins. Co., 517 U.S. 706-711-12 (1996).

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED