

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-1645**

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In re: PETER L. CHU; YING L. CHU,

Petitioners.

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On Petition for Writ of Mandamus.  
(8:10-cv-01422-RWT)

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Submitted: August 22, 2012

Decided: August 24, 2012

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Before WILKINSON, GREGORY, and DIAZ, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Peter L. Chu, Ying L. Chu, Petitioners Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Peter L. Chu and Ying L. Chu petition for a writ of mandamus seeking an order directing the district court to vacate its order granting the United States' motion to intervene and stay the proceedings. We conclude that the Chu's are not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States 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). 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 the Chu's is not available by way of mandamus. Accordingly, 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