

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 13-1063

IN RE: CLINTON C. BARLOW
ELMALEAN BOWSER a/k/a Elmalean Austin,
Petitioners

On a Petition for Writ of Mandamus from the
United States District Court for the District of New Jersey
(12-30150)

Submitted Pursuant to Rule 21, Fed. R. App. P.
March 7, 2013
Before: AMBRO, SMITH and CHAGARES, Circuit Judges

(Opinion filed: March 27, 2013)

OPINION

PER CURIAM

On January 10, 2013, petitioner Elmalean Bowser filed an appeal in the District Court from the Bankruptcy Judge's order dismissing her case. Her nephew, petitioner Clinton C. Barlow, apparently acting with power of attorney for Bowser, concurrently filed a petition for a writ of mandamus. Petitioners ask us to remove Bowser's bankruptcy case from the assigned Bankruptcy Judge, alleging that he exhibited racial bias in violation of her constitutional rights.

Mandamus is a drastic remedy available in only the most extraordinary circumstances. In re Diet Drugs Prods. Liab. Litig., 418 F.3d 372, 378 (3d Cir. 2005). Not only are Petitioners' allegations entirely unsubstantiated, Bowser's bankruptcy case is now on appeal to the District Court. A mandamus petition is not a substitute for an appeal. In re Kensington Int'l Ltd., 353 F.3d 211, 219 (3d Cir. 2003). Accordingly, we will deny the mandamus petition.