

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

**FILED**

APR 03 2006

WILLIAM B. GUTHRIE  
Clerk, U.S. District Court

By:

Deputy Clerk

In re:

JIMMY C. CHISUM,

Petitioner.

No. 06-7022


ORDER  
Filed March 28, 2006

Before **KELLY, HARTZ, and McCONNELL**, Circuit Judges.

Petitioner Jimmy C. Chisum seeks a writ of prohibition from this court directing the district court to stay his criminal proceedings. A writ of prohibition or “[m]andamus is available only upon a showing of a clear and indisputable right to relief.” *Nichols v. Alley*, 71 F.3d 347, 350 (10th Cir. 1995). “[A] party seeking the issuance [of the writ must] have no other adequate means to attain the relief he desires, . . . and . . . [must] satisfy the burden of showing that [his] right to issuance of the writ is clear and indisputable.” *Allied Chem. Corp. v. Daiflon, Inc.*, 449 U.S. 33, 35 (1980) (per curiam) (quotation and citation omitted). A writ of prohibition is not a substitute for an appeal. *Weston v. Mann (In re Weston)*, 18 F.3d 860, 864 (10th Cir. 1994).

Upon our review of his petition, we determine that Mr. Chisum has not demonstrated entitlement to the extraordinary relief he seeks. In particular, he has alternative adequate means to obtain appellate review of the jurisdictional, constitutional, and evidentiary errors he alleges. If necessary, he can appeal to this court after entry of final judgment in the district court. The petition for writ of prohibition is DENIED.

Entered for the Court  
ELISABETH A. SHUMAKER,  
Clerk

By:   
Deputy Clerk

United States Court of Appeals for the Tenth Circuit

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Clerk of Court

Douglas E. Cressler  
Chief Deputy Clerk

March 28, 2006

NOTIFICATION OF MAILING

Re: 06-7022, In Re:Chisum v. -  
Dist/Ag docket: 05-CR-00043-RAW-ALL

A COPY OF THE ATTACHED ORDER HAS BEEN PLACED IN THE UNITED STATES MAIL  
THIS DATE, ADDRESSED AS FOLLOWS:

Jimmy C. Chisum  
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Honorable Ronald A. White  
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