

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

RASHID A. EL MALIK,
Claimant-Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2012-7041

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 10-2013, Judge William A.
Moorman.

Decided: April 12, 2012

RASHID A. EL MALIK, of Palos Verde's Estate, Califor-
nia, pro se.

STEVEN M. MAGER, Trial Attorney, Commercial Liti-
gation Branch, Civil Division, United States Department
of Justice, of Washington, DC, for respondent-appellee.
With him on the brief were TONY WEST, Assistant Attor-

ney General, JEANNE E. DAVIDSON, Director, and FRANKLIN E. WHITE, JR., Assistant Director. Of counsel on the brief was DAVID J. BARRANS, Deputy Assistant General Counsel, Department of Veterans Affairs, of Washington, DC.

Before PROST, MAYER, and WALLACH, *Circuit Judges*.

PER CURIAM.

Rashid El Malik appeals the order of the United States Court of Appeals for Veterans Claims (“Veterans Court”), denying his petition for a writ of mandamus. *El Malik v. Shinseki*, No. 10-2013 (Vet. App. Sept. 2, 2011). He argues that the Department of Veterans Affairs incorrectly denied him an increased rate of special monthly compensation. As this court has already explained—in an appeal brought by Mr. El Malik—“[t]he remedy of mandamus is a drastic one, to be invoked only in extraordinary situations.” *El Malik v. Shinseki*, No. 2011–7201, 2012 WL 833663, at *3 (Fed. Cir. Feb. 13, 2012); *see also Lamb v. Principi*, 284 F.3d 1378, 1382 (Fed. Cir. 2002) (“To obtain mandamus, the petitioner must show (1) that he has a ‘clear and indisputable right’ to the writ and (2) that he has no alternative way to obtain the relief sought.” (citation omitted)). We have also explained—indeed in yet another appeal brought by Mr. El Malik—that “[m]andamus is not a substitute for proper appeal and must be denied when the remedy sought is available after entry of a final . . . decision” *In re El Malik*, No. 2010-M937, 2010 WL 2076990, at *1 (Fed. Cir. May 19, 2010); *see also In re El Malik*, 322 Fed. Appx. 976 (Fed. Cir. Oct. 3, 2008) (unpublished order) (converting Mr. El Malik’s petition for a writ of mandamus to a regular appeal). Here, Mr. El Malik does not

offer any persuasive explanation for why his grievance cannot be addressed through a regular appeal. Therefore, we affirm the decision of the Veterans Court denying Mr. El Malik's petition for a writ of mandamus.

AFFIRMED