

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10110
Summary Calendar

In Re: NATIONSBANK, N.A.,

PETITIONER

Petition for Writ of Mandamus to the United States District Court
for the Northern District of Texas
(B-93-CV-140)

February 10, 1999

Before DAVIS, DUHÉ, and PARKER, Circuit Judges.

BY THE COURT:*

Petitioner Nationsbank, N.A. seeks a writ of mandamus and/or prohibition compelling the district court to vacate certain portions of orders compelling production and to prohibit further attempts to seek or compel production of such information and documents.

The mandamus remedy is an extraordinary one, granted only in the clearest and most compelling cases in which the party seeking mandamus shows no other adequate means exist to attain the requested relief and that the right to issuance is clear and indisputable. *See In re Willy*, 831 F.2d 545, 549 (5th Cir. 1987).

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

In the present case, there are other adequate means for Nationsbank to avoid a violation of federal law and still comply with the court's January 13 order. By its very terms, the order states that "if defendant considers compliance to be an impossibility, then defendant shall specifically so state, advising why compliance is impossible." Specifically in regards to paragraph number four of which petitioner now complains, it states that "[i]f defendant has no such documents, it shall so certify." We therefore do not agree that petitioner's only avenue of compliance requires this court to grant the extraordinary remedy which they have sought.

The petition for a writ of mandamus and/or prohibition is DENIED.