

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1046

In Re: CLAIR LOVERIDGE,

Petitioner.

On Petition for Writ of Mandamus.
(1:03-cr-00063-IMK; 1:06-cv-00006-IMK)

Submitted: March 17, 2009

Decided: March 24, 2009

Before TRAXLER, KING, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Clair Loveridge, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Clair Loveridge petitions for a writ of mandamus asking this court to review alleged sentencing errors by the district court. We conclude that Loveridge is not entitled to mandamus relief.

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). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Loveridge 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