

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1072

In Re: MARSALINA MACHUCA,

Petitioner.

On Petition for Writ of Mandamus.
(4:05-cr-00002-jlk-2)

Submitted: March 30, 2010

Decided: April 5, 2010

Before WILKINSON, GREGORY, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Marsalina Machuca, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marsalina Machuca moved in the district court for reduction of sentence based on substantial assistance. The district court denied her motions. Machuca now petitions this court for a writ of mandamus seeking an order to compel the district court to grant her motion for sentence reduction.

Mandamus may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). Thus, the relief sought by Machuca is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus and the motion for appointment of counsel. 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