

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-2049

In Re: LARRY SINCLAIR WILLIAMS,

Petitioner.

On Petition for Writ of Mandamus.
(1:92-cr-00083-1)

Submitted: December 16, 2010

Decided: December 22, 2010

Before GREGORY, DUNCAN, and DAVIS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Larry Sinclair Williams, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Sinclair Williams petitions for a writ of mandamus or prohibition seeking an order directing the district court to grant discovery in his 1992 criminal convictions. We conclude that Williams is not entitled to either of these forms of relief.

A writ of prohibition will not issue unless it "clearly appears that the inferior court is about to exceed its jurisdiction." Smith v. Whitney, 116 U.S. 167, 176 (1886). A writ of prohibition or mandamus is a drastic remedy that should be granted only where the petitioner's right to the requested relief is clear and indisputable. In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983); In re Missouri, 664 F.2d 178, 180 (8th Cir. 1981). Further, a writ of prohibition should be granted only where the petitioner has no other adequate means of relief. In re Banker's Trust Co., 775 F.2d 545, 547 (3d Cir. 1985).

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, 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).

The relief sought by Williams is not available by way of a writ of prohibition or mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition. 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