

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1895

In re: DALE J. RICHARDSON,

Petitioner,

On Petition for Writ of Mandamus to the United States District Court of South Carolina, at Charleston. (2:22-mc-00637-DCN)

Submitted: September 26, 2023

Decided: October 20, 2023

Before THACKER and HARRIS, Circuit Judges, and KEENAN, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Dale J. Richardson, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dale J. Richardson petitions for a writ of mandamus pursuant to 18 U.S.C. § 3771(d)(3). We conclude that Richardson is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004); *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018). Further, mandamus relief is available only when the petitioner shows “a clear and indisputable right to the requested relief” and “has no other adequate means to attain the relief [he] desires.” *Murphy-Brown*, 907 F.3d at 795 (brackets and internal quotation marks omitted). Richardson did not file a proper § 3771 motion in the district court, so there is no reasonable basis for finding we have jurisdiction over Richardson’s petition under § 3771(d)(3). And mandamus generally may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007).

The relief Richardson seeks 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 this court and argument would not aid the decisional process.

PETITION DENIED