

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-2075

In re: MARTINEZ ORLANDIS BLACK,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Western District of North Carolina, at Charlotte. (3:06-cr-00364-RJC-1)

Submitted: December 14, 2023

Decided: December 18, 2023

Before GREGORY and RUSHING, Circuit Judges, and MOTZ, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Martinez Orlandis Black, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

ER CURIAM:

Martinez Orlandis Black petitions for a writ of mandamus asking this court to alter his federal sentence to time-served. We conclude that Black 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). Mandamus relief is available only when the petitioner has a clear right to the relief sought and “has no other adequate means to attain the relief [he] desires.” *Murphy-Brown*, 907 F.3d at 795 (cleaned up). Further, mandamus may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007). The relief that Black seeks is not available by way of mandamus, and he otherwise fails to establish a clear right to the relief he seeks.

We therefore deny the mandamus petition. 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