

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7522

IN RE: CARLOS ORTIZ,

Petitioner.

On Petition for a Writ of Mandamus.
(CA-05-512-7)

Submitted: January 26, 2006

Decided: February 3, 2006

Before LUTTIG, WILLIAMS, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Carlos Ortiz, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Carlos Ortiz petitions for a writ of mandamus. He seeks an order directing the district court to reconsider the denial of his petition filed pursuant to 28 U.S.C. § 2241 (2000).

Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re First Fed. Sav. & Loan Assn., 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. See 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. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Ortiz 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. 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