

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-6694**

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In Re: JERMAINE JERRELL SIMS, a/k/a  
Justice, a/k/a Jus,

Petitioner.

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On Petition for Writ of Mandamus  
(No. 3:98-cr-00045-RLW)

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Submitted: July 20, 2006

Decided: July 28, 2006

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Before WIDENER and WILKINSON, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Jermaine Jerrell Sims, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jermaine Jerrell Sims petitions for a writ of mandamus seeking an order requiring the district court to inquire into certain actions by the prosecutor in his criminal case. We conclude that Sims is not entitled to mandamus relief.

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). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. 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. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Sims is not available by way of mandamus. Accordingly, although we grant Sims' motion for 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