

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7636

IN RE: RAYMOND JEROME FRANCIS,

Petitioner.

On Petition for a Writ of Mandamus.
(1:96-cr-00021-1)

Submitted: November 21, 2006

Decided: December 4, 2006

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Raymond Jerome Francis, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Raymond Jerome Francis petitions for a writ of mandamus seeking an order directing the district court to vacate the sentence imposed after a jury found him guilty of drug and firearms offenses. We conclude that Francis 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). The relief sought by Francis is not available by way of mandamus.

Accordingly, although we grant Francis' 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