

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2236

In Re: JAMES JOSEPH OWENS,

Petitioner.

On Petition for Writ of Mandamus.

Submitted: December 16, 2008 Decided: January 7, 2009

Before WILKINSON, NIEMEYER, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

James Joseph Owens, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Joseph Owens petitions for a writ of mandamus, seeking both a declaration that he is a "prima facie multiple victim of double jeopardy" and an order that the district court "vacate sentences and immediately release" him. Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1974); In re: Beard, 811 F.2d 818, 826 (4th Cir. 1987). 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). A mandamus petitioner must show that he has a clear right to the relief sought, that the respondent has a clear duty to perform the particular act requested, and that the plaintiff has no other adequate remedy. Id.

We conclude that Owens has not made the required showing. Accordingly, while 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