

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1552

In Re: ROBERT JUNIORS COX,

Petitioner.

On Petition for Writ of Mandamus.

Submitted: November 17, 2009 Decided: November 19, 2009

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Robert Juniors Cox, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Juniors Cox petitions for a writ of mandamus seeking an order directing his immediate release from the Commonwealth of Virginia Department of Corrections. We conclude that Cox 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 Cox 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