

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-2031

In Re: TERESA L. BLAND,

Petitioner.

On Petition for Writ of Mandamus.
(0:06-cr-01255-JFA-2)

Submitted: February 18, 2010 Decided: March 23, 2010

Before WILKINSON, MOTZ, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Teresa L. Bland, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Teresa L. Bland petitions for a writ of mandamus seeking an order directing the district court and/or the Bureau of Prisons to allow her to serve her sentence through home confinement. We conclude that Bland is not entitled to mandamus relief.

Mandamus is a drastic remedy and should be used only in extraordinary circumstances. United States v. Moussaoui, 333 F.3d 509, 516 (4th Cir. 2003). Mandamus relief is available only when the petitioner has a clear, indisputable right to the relief sought. Id. at 517. Moreover, mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). Because Bland has no indispensable right to serve her sentence through home confinement, the relief she seeks is not available by way of mandamus. Further, it is abundantly clear that she seeks to use mandamus as a vehicle to circumvent the appeal process.

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