UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
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No. 10-1093
_____

In Re: KWAME GYAMFI,

        Petitioner.

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On Petition for Writ of Mandamus.
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Submitted: January 21, 2010   Decided: January 22, 2010
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Before NIEMEYER, GREGORY, and AGEE, Circuit Judges.
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Petition denied by unpublished per curiam opinion.
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Kwame Gyamfi, Petitioner Pro Se.
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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kwame Gyamfi petitions for writ of mandamus pursuant to the Crime Victims' Rights Act, 18 U.S.C. § 3771 ("CVRA"). He asserts that he is entitled to mandamus relief because the district court denied his motion for default judgment on his complaint seeking civil damages from the United States government for an alleged violation of his rights under the Taxpayer Bill of Rights, 26 U.S.C. § 7433. Petitioner asserts that Internal Revenue Service employees have violated numerous criminal statutes in connection with collection of taxes owed by him and in defending the civil suit he filed below.

Petitioner's request for mandamus relief is denied. We note that Gyamfi did not first assert the rights described in § 3771(a) of the CVRA in the district court as required by § 3771(d)(3). Section 3771(d)(3) provides that a movant may petition the court of appeals for a writ of mandamus only where the district court has denied the relief sought by motion asserting a victim's right.

In any event, petitioner was not entitled to the protections of 18 U.S.C. § 3771 in his district court proceedings which were civil in nature. See 18 U.S.C. § 3771(d)(3). The CVRA was designed to protect victims and guarantee them some involvement in the criminal justice process. "The rights codified by the CVRA, however, are limited to the

criminal justice process; the Act is therefore silent and unconcerned with victims' rights to file civil claims." <u>United States v. Moussaoui</u>, 483 F.3d 220, 234-35 (4th Cir. 2007) (citation omitted).

Finding no application of 18 U.S.C. § 3771 to these proceedings, we deny the petition.

<div align="right"><u>PETITION DENIED</u></div>