

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-1777**

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In Re: DENNIS A. GIVENS,

Petitioner.

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On Petition for Writ of Mandamus.  
(5:10-cv-00026-FPS-JSK)

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Submitted: September 30, 2010

Decided: October 7, 2010

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Before NIEMEYER, AGEE, and KEENAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Dennis A. Givens, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dennis A. Givens petitions for a writ of mandamus, seeking to compel the United States Attorney's Office for the Northern District of West Virginia and the United States Postal Inspection Service to investigate and prosecute his allegations of forgery and fraud. We conclude that Givens is not entitled to the relief he seeks.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, 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). The relief sought by Givens is not available by way of mandamus. See Wayte v. United States, 470 U.S. 598, 607 (1985) ("[T]he Government retains broad discretion as to whom to prosecute.") (internal quotation marks omitted); Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973) ("[P]rivate citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.").

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