

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1960

In Re: WILLIAM TERRENCE CROSS, a/k/a Red,
Petitioner.

On Petition for Writ of Mandamus.
(2:03-cr-00010-RBS-1)

Submitted: January 13, 2011 Decided: January 18, 2011

Before MOTZ, KING, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

William Terrence Cross, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Terrence Cross petitions for a writ of mandamus seeking an order directing the district court to reverse his conviction and alleged illegal sentence. We conclude that Cross is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States 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). Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). The relief sought by Cross 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 and deny Cross's motion to remand for resentencing. 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