

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-2093

In Re: GREG GIVENS, a/k/a Greg P. Givens,
Petitioner.

On Petition for Writ of Mandamus.

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

Before MOTZ, KING, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Greg Givens, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Greg Givens petitions for a writ of mandamus seeking an order requiring the United States Attorney's Office and the Federal Bureau of Investigation to investigate and prosecute certain bank employees. We conclude that Givens 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). 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."); *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