

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-2109**

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In Re: KEVIN LAMONT WALKER,

Petitioner.

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On Petition for Writ of Mandamus.  
(4:05-cr-00005-RBS-JEB-1)

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Submitted: December 16, 2010

Decided: December 27, 2010

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Before GREGORY, DUNCAN, and DAVIS, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Kevin Lamont Walker, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Lamont Walker petitions for a writ of mandamus seeking an order compelling the district court to resentence him. We conclude that Walker 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 Walker 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. 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