

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-1678**

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In re: DAVID HILL,

Petitioner.

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On Petition for Writ of Mandamus. (1:01-cr-00191-CMH-1)

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Submitted: October 18, 2011

Decided: October 20, 2011

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Before WILKINSON, MOTZ, and DIAZ, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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David Hill, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Hill petitions for a writ of mandamus seeking an order directing the district court to correct an alleged clerical error in Hill's criminal judgment. We conclude that Hill is not entitled to mandamus relief.

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).

Hill asks this court to order the district court to correct his criminal judgment. However, Hill has not established a clear right to this relief. Moreover, to the extent that Hill complains of the district court's denial of his motion to correct his judgment, we note that mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). Thus, we conclude that there is no basis for mandamus relief. 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