

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-1905**

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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: December 20, 2011                      Decided: December 22, 2011

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Before MOTZ, DUNCAN, 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Petition denied by unpublished per curiam opinion.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Unpublished opinions are not binding precedent in this circuit.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 dismiss his 2001 criminal indictment because of purported violations of the Interstate Agreement on Detainers Act. 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). Finally, 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 Hill 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