

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1935

IN RE: DWAYNE CURTIS DELESTON,

Petitioner.

On Petition for a Writ of Mandamus.
(2:99-cr-00751-DCN-6)

Submitted: December 20, 2011 Decided: December 22, 2011

Before MOTZ, DUNCAN, and DIAZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Dwayne Curtis Deleston, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dwayne Curtis Deleston petitions for a writ of mandamus seeking an order from this court directing his immediate release from prison and monetary compensation. We conclude that Deleston 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 Deleston is not available by way of mandamus. Accordingly, we deny leave to proceed in forma pauperis and 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