

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2045

In re: ROBERT LIONEL SISK,

Petitioner.

On Petition for Writ of Mandamus.
(1:01-cr-00052-MR-14)

Submitted: November 20, 2012

Decided: November 26, 2012

Before TRAXLER, Chief Judge, and SHEDD and FLOYD, Circuit
Judges.

Petition denied by unpublished per curiam opinion.

Robert Lionel Sisk, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Lionel Sisk is serving the 276-month sentence imposed after he was found guilty of conspiracy to possess with intent to distribute cocaine and methamphetamine. Sisk petitions for a writ of mandamus, or other forms of extraordinary relief,* seeking an order vacating his sentence and remanding to the district court for resentencing in light of Johnson v. United States, 130 S. Ct. 1265 (2010), and Begay v. United States, 553 U.S. 137 (2008). We conclude that Sisk is not entitled to mandamus relief.

Mandamus is a drastic remedy to be used only in extraordinary circumstances, when "the petitioner has no other adequate means to obtain relief to which there is a clear and indisputable right." In re Blackwater Sec. Consulting, L.L.C., 460 F.3d 576, 592 (4th Cir. 2006) (internal quotations omitted); see also Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976). "Courts are extremely reluctant to grant a writ of mandamus." In re Beard, 811 F.2d 818, 827 (4th Cir. 1987).

The relief sought by Sisk is not available by way of mandamus. Accordingly, although we grant leave to proceed in

* Alternatively, Sisk asks us to grant him a writ of audita querela or coram nobis, to recall the mandate in his criminal case, or for leave to amend his 28 U.S.C.A. § 2255 (West Supp. 2012) motion. We conclude that Sisk is not entitled to any of these forms of relief.

forma pauperis, we deny the petition for a writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED