

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2349

In Re: GEORGE JEFFERSON, III, a/k/a Ace,
Petitioner.

On Petition for Writ of Mandamus. (5:09-cr-00251-FL-1)

Submitted: December 13, 2012 Decided: December 18, 2012

Before MOTZ, WYNN, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

George Jefferson, III, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

George Jefferson, III petitions for a writ of mandamus seeking an order directing the district court to address whether it had jurisdiction to sentence him as a career offender. We conclude that Jefferson 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 Jefferson 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 this court and argument would not aid the decisional process.

PETITION DENIED