

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2378

In Re: MONTA OLANDER JORDAN,

Petitioner.

On Petition for Writ of Mandamus.
(3:05-cr-00017-REP-2)

Submitted: February 11, 2013

Decided: February 21, 2013

Before MOTZ, DUNCAN, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Monta Olander Jordan, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Monta Olander Jordan petitions for a writ of mandamus, seeking an order directing the district court to amend its order reducing his sentence from ninety-six to fifty-seven months to delete a provision referencing U.S. Sentencing Guidelines Manual § 1B1.10(b)(2)(C). We deny the petition.

Mandamus is a drastic remedy to 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). Mandamus 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), and 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 Jordan is not available by way of mandamus. Accordingly, while we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We deny the motion to expedite and 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