

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1421

In Re: JIMMY LAWRENCE NANCE,

Petitioner.

On Petition for Writ of Mandamus.
(7:92-cr-00135-JCT-RSB-1)

Submitted: July 17, 2013

Decided: August 23, 2013

Before WILKINSON, NIEMEYER, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Jimmy Lawrence Nance, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jimmy Lawrence Nance petitions for a writ of mandamus seeking an order compelling the district court to address claims he contends were raised but not resolved in his 28 U.S.C.A. § 2255 (West Supp. 2013) proceedings. We conclude that Nance 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 Nance is not available by way of mandamus. Accordingly, although we grant Nance leave to proceed in forma pauperis, we deny the petition for writ of mandamus. Nance's motions for appointment of counsel and to amend the mandamus petition are denied. 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