

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2100

In re: GUY GORDON MARSH,

Petitioner.

On Petition for Writ of Mandamus. (3:10-cr-00076-JPB-DJJ-1)

Submitted: December 19, 2013 Decided: December 23, 2013

Before SHEDD, DAVIS, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Guy Gordon Marsh, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Guy Gordon Marsh petitions for a writ of mandamus seeking an order directing the district court judge to provide Marsh with grand jury materials and to recuse himself. We conclude that Marsh 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). Moreover, 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 Marsh 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