

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2103

In re: EDWARD PETER FLOYD, JR.,
Petitioner.

On Petition for Writ of Mandamus.
(3:10-cr-00154-1)

Submitted: January 21, 2014

Decided: January 23, 2014

Before MOTZ, KEENAN, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Edward Peter Floyd, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edward Peter Floyd, Jr., petitions for a writ of mandamus seeking an order granting relief on a prior motion filed pursuant to 28 U.S.C. § 2255 (2012). We conclude that Floyd 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 Floyd is not available by way of mandamus. Accordingly, we grant leave to proceed in forma pauperis and 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