

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2323

In re: DARRYL DEVON GASTON,

Petitioner.

Petition for Writ of Prohibition.
(1:06-cr-00310-JAB-1; 1:11-cv-00771-JAB-JLW)

Submitted: January 30, 2014

Decided: February 11, 2014

Before NIEMEYER, MOTZ, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Darryl Devon Gaston, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darryl Gaston petitions for a writ of prohibition seeking an order directing that his criminal case be dismissed and that he be immediately released. A writ of prohibition "is a drastic and extraordinary remedy which should be granted only when the petitioner has shown his right to the writ to be clear and undisputable and that the actions of the court were a clear abuse of discretion." In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983). A writ of prohibition may not be used as a substitute for appeal. (Id.) Gaston has not shown any basis for the relief he seeks. Accordingly, we deny the writ of prohibition. 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