

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-1101**

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In Re: CHARLES GILLENWATER,  
  
Petitioner.

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On Petition for Writ of Mandamus.  
(5:14-ct-03014-H)

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Submitted: April 17, 2014

Decided: April 22, 2014

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Before WILKINSON, KING, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Charles Gillenwater, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Gillenwater petitions for an emergency writ of mandamus seeking an order ensuring, inter alia, a timely trial and counsel of his choice. We conclude that Gillenwater is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. 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 Gillenwater 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

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\* The district court recently dismissed as frivolous the underlying complaint.

before this court and argument would not aid the decisional process.

PETITION DENIED