

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-1466**

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In re: RIGOBERTO HERNANDEZ-PORTILLO, a/k/a Tiny, a/k/a  
Carlos Antonio Martinez, a/k/a Rigoberto H. Portillo,

Petitioner.

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On Petition for Writ of Mandamus.  
(No. 1:07-cr-00081-GBL-4)

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Submitted: November 18, 2014

Decided: November 20, 2014

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Before NIEMEYER, MOTZ, and GREGORY, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Rigoberto Hernandez-Portillo, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rigoberto Hernandez-Portillo petitions for a writ of mandamus seeking an order granting him inter alia relief in his criminal proceeding. We conclude that Hernandez-Portillo 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 Hernandez-Portillo 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