

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-2236

In re: JERRY WAYNE SHARPE,

Petitioner.

On Petition for Writ of Mandamus. (5:14-ct-03269-F)

Submitted: January 15, 2015 Decided: January 20, 2015

Before WILKINSON and NIEMEYER, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Jerry Wayne Sharpe, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerry Wayne Sharpe petitions for a writ of mandamus seeking an order compelling state officials to process his pardon application and declare him innocent of state convictions. We conclude that Sharpe is not entitled to mandamus relief.

Mandamus relief, a drastic remedy, should be used only in extraordinary circumstances and when the petitioner has a clear right to the relief sought. 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). This court does not have jurisdiction to grant mandamus relief against state officials. Gurley v. Superior Court of Mecklenburg Cnty., 411 F.2d 586, 587 (4th Cir. 1969). To the extent Sharpe seeks an order from this court directing the district court to act on his complaint, we find the present record does not reveal undue delay in the district court.

Accordingly, although we grant Sharpe leave to amend, 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