

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1282

In re: SHAHEEN CABBAGESTALK,

Petitioner.

On Petition for Writ of Mandamus (5:14-cv-03771-RMG-KDW)

Submitted: September 9, 2015 Decided: September 11, 2015

Before SHEDD, WYNN, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Shaheen Cabbagestalk, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shaheen Cabbagestalk petitions for a writ of mandamus seeking an order directing his immediate release from prison. We conclude that Cabbagestalk 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 Cabbagestalk 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