

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1342

In Re: BOBBY JAMES BROWN,
Petitioner.

On Petition for Writ of Mandamus.
(1:00-cr-00100-JFM-1)

Submitted: November 13, 2015 Decided: November 18, 2015

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Bobby James Brown, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

After the district court denied Bobby James Brown's motion challenging his criminal convictions and sentence, Brown filed a petition for mandamus in this court, asking that we address the merits of the motion. We conclude that Brown is not entitled to the relief sought. Mandamus 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), and may not be used as a substitute for appeal, In re Lockheed Martin Corp., 502 F.3d 351, 353 (4th Cir. 2007). 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 the court and argument would not aid the decisional process.

PETITION DENIED