

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 15-1910**

---

In re: JERRY WAYNE SHARPE,

Petitioner.

---

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

---

Submitted: October 20, 2015

Decided: October 22, 2015

---

Before MOTZ, KEENAN, and THACKER, Circuit Judges.

---

Petition denied by unpublished per curiam opinion.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Unpublished opinions are not binding precedent in this circuit.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 the district court to issue an order requiring that Judge L. Todd Burke of the Yadkin County Superior Court hold an evidentiary hearing on his claim of actual innocence. We conclude that Sharpe 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). 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).

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