

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1366

In re: GERALD PORTER,

Petitioner.

On Petition for Writ of Mandamus. (8:15-cv-03584-MGL)

Submitted: September 29, 2016 Decided: October 3, 2016

Before SHEDD, KEENAN, and HARRIS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Gerald Porter, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gerald Porter petitions for a writ of mandamus seeking an order from this court directing the district court to grant relief on Porter's 28 U.S.C. § 2241 (2012) petition. We conclude that Porter 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). Finally, 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 Porter 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