

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1374

In re: ARTHUR F. JONES, JR., a/k/a Arthur Palmer, a/k/a
June, a/k/a Junior,

Petitioner.

On Petition for Writ of Mandamus.
(2:99-cr-00362-DCN-1)

Submitted: May 18, 2016

Decided: May 23, 2016

Before SHEDD, DIAZ, and HARRIS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Arthur F. Jones, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Arthur F. Jones, Jr., petitions for a writ of mandamus seeking an order directing the district court to remand his criminal case to state court.* We conclude that Jones 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 Jones is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for a 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

* Jones mailed a courtesy copy of the instant petition to the district court, which then proceeded to docket the petition in a new civil case. Jones v. United States, No. 6:16-cv-01059-MBS (D.S.C., PACER No. 1). We understand Jones' petition to be directed to this court.