

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1476

In re: METAPHYZIC EL-ELECTROMAGNETIC SUPREME-EL, f/k/a
Antonio Edward McLean, a/k/a Metaphyzic Electromagnetic
Supreme,

Petitioner.

On Petition for Writ of Mandamus.
(7:16-cv-00060-JLK-RSB)

Submitted: June 21, 2016

Decided: June 23, 2016

Before DUNCAN, KEENAN, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Metaphyzic El-ectromagnetic Supreme-El, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Metaphyzic El-ectromagnetic Supreme-El petitions for a writ of mandamus seeking an order compelling the district court to consider his 28 U.S.C. § 2241 (2012) petition under § 2241 and not as a successive 28 U.S.C. § 2254 (2012) petition. We conclude that Supreme-El 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 Supreme-El 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