

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1583

In re: ROBERTO ANTOINE DARDEN, a/k/a "Dizz-e", a/k/a "Javon",

Petitioner.

On Petition for Writ of Mandamus.
(4:11-cr-00052-AWA-LRL-1)

Submitted: September 13, 2016 Decided: September 16, 2016

Before TRAXLER, AGEE, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Roberto Antoine Darden, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roberto Antoine Darden petitions for a writ of mandamus seeking an order compelling the district court to grant his motion for recusal. We conclude that Darden 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 Norfolk S. Ry. Co., 756 F.3d 282, 294 (4th Cir. 2014).

Darden has not shown the existence of an extraordinary circumstance, nor has he shown that he has a clear right to the relief he seeks. Accordingly, we deny leave to proceed in forma pauperis and 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