

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1614

In Re: FREDERICK L. HOWELL,
Petitioner.

On Petition for Writ of Mandamus and Prohibition.

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

Before TRAXLER, AGEE, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Frederick L. Howell, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frederick L. Howell petitions for a writ of mandamus and prohibition seeking an order compelling the United States Attorney for the District of South Carolina to prosecute the attorney who represented Howell in Howell's criminal prosecution. We conclude that Howell 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. Cumberland Hosp. Sys., Inc. v. Burnwell, 816 F.3d 48, 52 (4th Cir. 2016).

Howell 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 the petition for writ of mandamus and prohibition. 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