

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1820

In Re: NICHOLAS JAMES QUEEN,

Petitioner.

On Petition for Writ of Mandamus.
(1:93-cr-00366-WMN-1)

Submitted: November 14, 2016 Decided: November 16, 2016

Before WILKINSON, MOTZ, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Nicholas James Queen, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nicholas James Queen petitions for a writ of mandamus, seeking an order precluding the district court from exercising jurisdiction in a criminal matter and canceling all orders and judgments against him. We deny the petition.

Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.3d 135, 138 (4th Cir. 1988).

Queen has failed to demonstrate entitlement to mandamus relief. 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 material before the court and argument would not aid the decisional process.

PETITION DENIED