

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-2451
(7:08-cr-00043-D-1)

In re: KUNTA KENTA REDD,

Petitioner.

On Petition for Writ of Mandamus

Submitted: December 29, 2016

Decided: December 29, 2016

Before GREGORY, Chief Judge, and TRAXLER and DIAZ, Circuit
Judges.

Petition dismissed by unpublished per curiam opinion.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

This case comes before the court on a petition for writ of mandamus filed by Kunta Kenta Redd under the Crime Victims' Rights Act, 18 U.S.C. § 3771 ("CVRA"). The CVRA affords to victims of crime the rights to reasonable protection from the accused, to notice of court proceedings, to participation in court proceedings, to confer with government counsel, to receive restitution, to proceedings free from unreasonable delay, and to be treated with fairness. 18 U.S.C. § 3771(a). These rights must be asserted in the district court and, if the district court denies relief, the movant may petition the court of appeals for a writ of mandamus. 18 U.S.C. § 3771(d)(3). If such a petition is filed, "[t]he court of appeals shall take up and decide such application forthwith within 72 hours after the petition has been filed." Id. If the court of appeals denies the relief sought, "the reasons for the denial shall be clearly stated on the record in a written opinion." Id.

Petitioner maintains that he is entitled to relief under the CVRA as a result of alleged plea bargaining abuse. He asserts that he should be allowed to reopen his plea and sentence. He seeks to bring charges against certain "suspects" and against an Alcohol, Tobacco and Firearms agent. He challenges the

veracity of various suspects or informants. He asserts that the district court and the court of appeals have erred in their rulings involving his criminal case and implies the courts are biased against him.

Petitioner is not a crime victim under the CVRA. He pled guilty, pursuant to a written plea agreement, to one count of conspiracy to distribute and to possess with the intent to distribute cocaine and 50 grams or more of cocaine base, in violation of 18 U.S.C. § 846. He has challenged his conviction and sentence on appeal and in various post-conviction proceedings. The CVRA defines a "crime victim" as a "person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia." 18 U.S.C. § 3771(e)(2)(A). Redd clearly does not come within the statutory definition. The CVRA also provides that "[a] person accused of the crime may not obtain any form of relief under this chapter." 18 U.S.C. § 3771(d)(1).

Accordingly, the court dismisses the petition for writ of mandamus.

PETITION DISMISSED