

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1234

In re: DAREN KAREEM GADSDEN, a/k/a D,

Petitioner.

On Petition for Writ of Prohibition. (1:11-cr-00302-CCB-3; 1:15-cv-01965-CCB)

Submitted: May 23, 2017

Decided: May 25, 2017

Before KING, AGEE, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Daren Kareem Gadsden, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daren Kareem Gadsden, who was convicted of several bank fraud and identity theft offenses, has filed a petition for a writ of prohibition with this court. In his petition, Gadsden asks that this court dismiss the criminal indictment against him because he asserts that the Government's evidence was insufficient to support his bank fraud convictions and, thus, the district court lacked jurisdiction over his criminal case. Gadsden nonetheless readily admits that he has unsuccessfully raised this claim in "several forms" before this court and in the district court.

"[A] writ of prohibition is a drastic and extraordinary remedy which should be granted only when the petitioner has shown his right to the writ to be clear and indisputable and that the actions of the court were a clear abuse of discretion." *In re Vargas*, 723 F.2d 1461, 1468 (10th Cir. 1983). In fact, a writ of prohibition should not issue unless it "clearly appears that the inferior court is about to exceed its jurisdiction." *Smith v. Whitney*, 116 U.S. 167, 176 (1886). Because it is a drastic remedy, a writ of prohibition should only be granted when the petitioner's right to the requested relief is clear and indisputable, *see Vargas*, 723 F.2d at 1468; *see also In re Missouri*, 664 F.2d 178, 180 (8th Cir. 1981), and there are no other adequate means of relief, *In re Bankers Trust Co.*, 775 F.2d 545, 547 (3d Cir. 1985).

Gadsden has failed to demonstrate that he is entitled to the relief he seeks. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for a writ of 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