

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1726

In re: KEITH A. DAVIS,

Petitioner.

No. 17-1892

In re: KEITH A. DAVIS,

Petitioner.

On Petitions for Writ of Mandamus. (3:11-cr-00512-MBS-1)

Submitted: October 24, 2017

Decided: November 7, 2017

Before AGEE, DIAZ, and THACKER, Circuit Judges.

Petitions denied by unpublished per curiam opinion.

Keith A. Davis, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated cases, Keith A. Davis petitions for a writ of mandamus seeking an order directing the district court to vacate its order dismissing his 28 U.S.C. § 2255 (2012) motion. We conclude that Davis is not entitled to the relief requested.

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 First Fed. Sav. & Loan Ass'n*, 860 F.2d 135, 138 (4th Cir. 1988).

In this case, because mandamus may not be used as a substitute for appeal, *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007), the relief Davis seeks is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petitions and supplemental petition for writ of mandamus. We deny Davis' motion to appoint counsel. 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.

PETITIONS DENIED