

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-2115**

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In re: NORMAN ALAN KERR,

Petitioner.

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On Petitions for Writ of Mandamus.  
(1:09-cr-00290-NCT-1; 1:14-cv-01094-NCT-JEP)

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Submitted: January 11, 2018

Decided: February 20, 2018

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

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Petitions denied by unpublished per curiam opinion.

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Norman Alan Kerr, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Norman Alan Kerr has filed a petition for a writ of mandamus and a motion to amend the petition, alleging the district court has unreasonably delayed in ruling on his 28 U.S.C. § 2255 (2012) motion to vacate. He seeks an order from this court directing the district court to act. Kerr also has filed a supplemental petition for a writ of mandamus in which he requests recusal of the district court judge and an evidentiary hearing.

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). 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). Mandamus may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007).

Our review of the district court's docket reveals that the district court dismissed Kerr's § 2255 motion and denied and dismissed his additional motions pending in that proceeding on December 21, 2017. Accordingly, because the district court has ruled recently on Kerr's motions, we grant leave to proceed in forma pauperis, grant Kerr's motion to amend his mandamus petition, deny as moot the mandamus petition as amended, and deny Kerr's motions for a transcript at government expense. Additionally, because Kerr has not established extra-judicial bias, *see In re Beard*, 811 F.2d 818, 826-27 (4th Cir. 1987), or a clear right to relief in the form of an evidentiary hearing, we deny his supplemental petition for a writ of mandamus.

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*