

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-2457**

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In re: JEFFREY A. MARTINOVICH,

Petitioner.

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On Petition for Writ of Mandamus.  
(4:12-cr-00101-AWA-RJK-1; 4:15-cr-00050-AWA-LRL-1)

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Submitted: March 30, 2018

Decided: April 6, 2018

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Before DUNCAN, WYNN, and DIAZ, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Jeffrey A. Martinovich, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Jeffrey A. Martinovich petitions for a writ of mandamus seeking an order to disqualify the district court judge presiding over his 28 U.S.C. § 2255 (2012) motion. We conclude that Martinovich is not entitled to mandamus relief.

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). Martinovich's allegations do not meet these standards.

Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for 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.

*PETITION DENIED*