

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1516

In re: JUAN PABLO CONTRERAS, a/k/a Juan David Montoya,

Petitioner.

On Petition for Writ of Mandamus. (3:15-cr-00632-TLW-1; 3:17-cv-02447-TLW)

Submitted: August 23, 2018

Decided: August 27, 2018

Before DUNCAN and FLOYD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Juan Pablo Contreras, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Juan Pablo Contreras petitions for a writ of mandamus, seeking to compel the district court to serve him with a copy of the Government's motion for summary judgment related to Contreras' 28 U.S.C. § 2255 (2012) motion and to serve him with all other documents filed in the case. 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, and the respondent has a clear duty to do the act requested. *Cumberland Cty. Hosp. Sys., Inc. v. Burwell*, 816 F.3d 48, 52 (4th Cir. 2016); see *In re Braxton*, 258 F.3d 250, 261 (4th Cir. 2001) (setting forth standard for granting writ of mandamus). Thus, the relief sought by Contreras is not available by way of mandamus, and, although we grant Contreras' application to proceed in forma pauperis, we deny his mandamus petition.

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