

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1630

In re: JOSEPH WITCHARD,

Petitioner.

On Petition for Writ of Mandamus. (8:18-cv-01236-HMH)

Submitted: July 26, 2018

Decided: July 30, 2018

Before GREGORY, Chief Judge, FLOYD, Circuit Judge, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Joseph Witchard, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph Witchard petitions for a writ of mandamus, seeking an order directing the district court to grant his 28 U.S.C. § 2241 (2012) petition, vacate his criminal judgment, and release him from custody. We conclude that Witchard 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). 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). Further, 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 sought by Witchard is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis and grant Witchard's motion for leave to file a mandamus petition, we deny the petition for writ of mandamus. We deny Witchard's motion to enjoin his transfer. 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