

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-2404

In re: WILLIAM SCOTT DAVIS, JR.,

Petitioner.

On Petition for Writ of Mandamus. (5:14-cr-00240-BR-1; 5:18-cv-00238-BR)

Submitted: April 4, 2019

Decided: April 8, 2019

Before NIEMEYER and HARRIS, Circuit Judges, and SHEDD, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

William Scott Davis, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Scott Davis, Jr., petitions for a writ of mandamus, alleging that the district court has unduly delayed in ruling on his Fed. R. Civ. P. 60(b) and 60(d) motions in his criminal case, which is now pending on appeal. He seeks an order from this court directing the district court to act. Our review of the district court's docket reveals no Rule 60 motions that were pending in this matter when Davis filed his petition. Thus, Davis has not demonstrated a clear right to mandamus relief. *See In re First Fed. Sav. & Loan Ass'n*, 860 F.2d 135, 138 (4th Cir. 1988). To the extent Davis asserts error in his criminal proceedings, relief is unavailable because mandamus may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007).

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