

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1741

In re: BRANDON DUWAYNE WRIGHT,

Petitioner.

On Petition for Writ of Mandamus. (4:18-cr-00047-D-1)

Submitted: October 17, 2019

Decided: October 21, 2019

Before MOTZ and QUATTLEBAUM, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Brandon Duwayne Wright, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brandon Duwayne Wright petitions for a writ of mandamus seeking an order vacating his federal criminal judgment. We conclude that Wright 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).

In his petition, Wright asserts that the adverse jury verdict rendered in his federal prosecution should be vacated because he was wrongfully convicted. Review of the district court's docket reveals that the criminal judgment has been entered and that Wright has noted an appeal therefrom. It is well settled that mandamus may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007).

We conclude that the relief sought by Wright is not available by way of mandamus. Accordingly, although we grant Wright 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