UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2338

In re: BRIAN DAVID HILL,

Petitioner.

On Petition for Writ of Mandamus. (1:13-cr-00435-TDS-1)

Submitted: December 30, 2019 Decided: February 10, 2020

Before DIAZ, HARRIS, and RUSHING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Brian David Hill, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian David Hill petitions for writs of mandamus and prohibition seeking an order directing the district court to vacate its judgment revoking Hill's supervised release and vacate various postjudgment orders. He has also filed two motions for a stay of the district court's judgment pending the disposition of the petitions. We conclude that Hill is not entitled to 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 Braxton*, 258 F.3d 250, 261 (4th Cir. 2001). Mandamus may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007).

Similarly, a writ of prohibition "is a drastic and extraordinary remedy which should be granted only when the petitioner has shown his right to the writ to be clear and undisputable and that the actions of the court were a clear abuse of discretion." *In re Vargas*, 723 F.2d 1461, 1468 (10th Cir. 1983). A writ of prohibition also may not be used as a substitute for appeal. *Id.*

Hill can seek the requested relief in an appeal of the district court's judgment, and indeed, such an appeal is currently pending before this court. *See United States v. Hill*, No. 19-4758.[*] Accordingly, we deny the petition for writs of mandamus and prohibition and

[*] We express no opinion about the merits of this appeal.

Hill's motions for a stay of the district court's judgment pending adjudication of these petitions. 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