

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-1167**

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In re: STEPHEN NIVENS,

Petitioner.

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On Petition for Writ of Mandamus. (8:16-cv-02648-TDC)

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Submitted: April 27, 2022

Decided: May 4, 2022

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Before WYNN, DIAZ, and THACKER, Circuit Judges.

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Petitions denied by unpublished per curiam opinion.

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Stephen Nivens, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stephen Nivens, a Maryland inmate, petitions for a writ of mandamus seeking an order granting relief from his criminal judgment. We conclude that Nivens is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004); *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought and “has no other adequate means to attain the relief [he] desires.” *Murphy-Brown*, 907 F.3d at 795 (alteration and internal quotation marks omitted). Mandamus may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007). In addition, this court does not have jurisdiction to grant mandamus relief against state officials, *Gurley v. Superior Ct. of Mecklenburg Cnty.*, 411 F.2d 586, 587 (4th Cir. 1969), and does not have jurisdiction to review final state court orders, *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 482 (1983).

The relief sought by Nivens is not available by way of mandamus. Accordingly, we deny the petitions for writ of mandamus.\* We dispense with oral argument because the

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\* Nivens also enclosed a “petition for writ of habeas corpus,” which he purports to bring under a host of statutes, including 28 U.S.C. § 2244. Insofar as Nivens seeks prefiling authorization from this court to file a successive 28 U.S.C. § 2254 petition, we conclude that he fails to make the requisite showing. *See* 28 U.S.C. § 2244(b)(2).

facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*PETITIONS DENIED*