

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1961

In re: GARLIN RAYMOND FARRIS, a/k/a G,

Petitioner.

On Petition for Writ of Mandamus.
(3:18-cr-00099-RJC-DCK-1)

Submitted: November 17, 2022

Decided: November 22, 2022

Before KING, QUATTLEBAUM, and RUSHING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Garlin Raymond Farris, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Garlin Raymond Farris petitions for a writ of mandamus seeking an order compelling the district court to rule on the merits of his amended motion for reconsideration of the court's denial of his Fed. R. Crim. P. 33 motion for new trial. The court granted Farris' motion to amend his motion for reconsideration but denied Farris' motion for reconsideration.* We conclude that Farris 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), and 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 Farris is not available by way of mandamus. Accordingly, 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

* After Farris filed his petition for writ of mandamus, the district court sua sponte clarified that it intended to allow Farris to amend his motion for reconsideration but not alter its ruling on the merits.