

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1170

In re: BRANDON MARQUIS JENNINGS, a/k/a Smilez, a/k/a Smilez Finesse,
a/k/a Beezy, a/k/a Mustafa Bey,

Petitioner.

No. 23-1173

In re: BRANDON MARQUIS JENNINGS, a/k/a Smilez, a/k/a Smilez Finesse,
a/k/a Beezy, a/k/a Mustafa Bey,

Petitioner.

On Petitions for Writ of Mandamus to the United States District Court for the Eastern
District of North Carolina, at Raleigh. (5:18-cr-00318-FL-1; 5:22-cv-00305-FL)

Submitted: April 25, 2023

Decided: April 28, 2023

Before GREGORY, Chief Judge, THACKER, Circuit Judge, and MOTZ, Senior Circuit
Judge.

Petitions denied by unpublished per curiam opinion.

Brandon Marquis Jennings, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brandon Marquis Jennings petitions for a writ of mandamus seeking an order disqualifying the district judge and appointing counsel in his 28 U.S.C. § 2255 proceeding. He also contends that the district court erred in denying him bail. We conclude that Jennings 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. *Murphy-Brown*, 907 F.3d at 795. Mandamus may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007).

Jennings has not established a basis to disqualify the district judge, and the other relief he seeks is not available by way of mandamus. Accordingly, we deny his 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.

PETITIONS DENIED