

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-2116**

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In re: LINWOOD EARL DUFFIE,

Petitioner.

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On Petition for Writ of Mandamus to the United States District Court for the Eastern District of North Carolina, at Raleigh. (5:23-hc-02047-D)

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Submitted: December 14, 2023

Decided: December 18, 2023

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Before GREGORY and RUSHING, Circuit Judges, and MOTZ, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Linwood Earl Duffie, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Linwood Earl Duffie petitions for a writ of mandamus seeking an order directing the district court to declare North Carolina's habitual felon statute unconstitutional. We conclude that Duffie 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). 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 (cleaned up). Further, 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 that Duffie seeks is not available by way of mandamus, and he otherwise fails to establish a clear right to the relief he seeks.

We therefore deny the mandamus petition. 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*