

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 23-2231**

---

In re: DARRIUS A. HEUSER-WHITAKER,

Petitioner.

---

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of Virginia, at Norfolk. (2:18-cr-00177-RAJ-LRL-4)

---

Submitted: March 28, 2024

Decided: April 1, 2024

---

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

---

Petition denied by unpublished per curiam opinion.

---

Darrius A. Heuser-Whitaker, Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Federal prisoner Darrius Heuser-Whitaker (“Petitioner”) has filed an original and a supplemental petition for a writ of mandamus asking this court to order Senior United States District Court Judge Raymond Jackson to either (1) grant Petitioner’s 28 U.S.C. § 2255 motion; or (2) answer Petitioner’s “Affidavit for Peremptory Mandamus to Depose Witness” (“Affidavit”). We conclude that Petitioner 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).

Our review of the district court’s docket reveals that the district court recently ruled on Petitioner’s § 2255 motion. In doing so, the district court rejected Petitioner’s habeas claim predicated on a statement that was the impetus for the Affidavit. We therefore deny the mandamus petitions as moot. 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*