

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-7366**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TIMOTHY ANTHONY MOORE, a/k/a Tim Allison,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CR-93-217)

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Submitted: May 31, 2001

Decided: June 6, 2001

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Before WILKINS, TRAXLER, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Timothy Anthony Moore, Appellant Pro Se. Gretchen C.F. Shappert, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Timothy A. Moore appeals the district court's order denying relief on his petition for writ of mandamus. A writ of mandamus is a drastic remedy and should be granted only in those extraordinary situations when no other remedy is available. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). Here, Moore could have appealed the district court's order resentencing him based on his assistance to the Government in criminal prosecutions. Because there was an alternate method for seeking the requested relief, and because Moore presents no extraordinary circumstances, the district court properly denied the petition. Accordingly, we affirm. See United States v. Moore, No. CR-93-217 (W.D.N.C. Sept. 6, 2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED