

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6214**

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In Re: JAMES EDWARD ELLERBE,

Petitioner.

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On Petition for Writ of Mandamus. (CR-97-100-BR)

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Submitted: July 25, 2002

Decided: August 6, 2002

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Before MOTZ, TRAXLER, and GREGORY, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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James Edward Ellerbe, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James E. Ellerbe filed this petition for a writ of mandamus seeking an order directing the United States Attorney for the Eastern District of North Carolina to initiate the indictment and prosecution of several individuals for alleged crimes committed in relation to Ellerbe's prosecution for aiding and abetting a conspiracy to distribute crack cocaine. We have reviewed the petition and find it completely meritless. Mandamus relief is warranted only when the petitioner has a clear right to the relief sought and there are no other means available for seeking that relief. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). No citizen has an enforceable right to insist on the initiation of criminal proceedings. Linda R. S. v. Richard D., 410 U.S. 614, 619 (1973). 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 the court and argument would not aid the decisional process.

PETITION DENIED