

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4944

In Re: DOUGLAS LAMON BABB,

Petitioner.

On Petition for Writ of Mandamus.(CR-03-427)

Submitted: March 15, 2004

Decided: March 31, 2004

Before LUTTIG, WILLIAMS, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Douglas Lamom Babb, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Douglas Lamon Babb petitions for a writ of mandamus. He seeks an order from this court directing the district court to stay ongoing federal criminal proceedings pending resolution of related state criminal proceedings.* Mandamus is available only when the petitioner has a clear right to the relief sought and there are no other means for obtaining that relief. Mallard v. United States Dist. Court, 490 U.S. 296, 309 (1989); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus is not a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). Because Babb may challenge his federal conviction in an appeal to this court after final judgment is entered, we deny his mandamus petition. 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

*Our review of the docket sheet reveals that the district court accepted Babb's guilty plea on January 2, 2004, but he has not yet been sentenced.