

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 06-6540**

---

In Re: ROBERT M. WILSON,

Petitioner.

---

On Petition for Writ of Mandamus.  
(1:04-cv-02776-JFM)

---

Submitted: July 31, 2006

Decided: August 14, 2006

---

Before KING, GREGORY, and SHEDD, Circuit Judges.

---

Petition denied by unpublished per curiam opinion.

---

Robert M. Wilson, Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert M. Wilson petitions for writ of mandamus seeking an order reopening his federal habeas petition under 28 U.S.C. § 2241 (2000). The district court dismissed Wilson's habeas petition, originally asserted under 28 U.S.C. § 2254 (2000), as time-barred. In the instant mandamus petition, Wilson asks this court to direct the district court to reopen his petition under § 2241. We conclude that Wilson is not entitled to mandamus relief.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); 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).

The relief sought by Wilson is not available by way of mandamus. 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