

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7002

In Re: BERNARD BARNETT,

Petitioner.

No. 06-7200

BERNARD BARNETT,

Petitioner - Appellant,

versus

BLEDSOE, Warden, United States Penitentiary at
Lee County; UNITED STATES OF AMERICA,

Respondents - Appellees.

Appeals from the United States District Court for the Western
District of Virginia, at Roanoke. Jackson L. Kiser, Senior
District Judge. (7:06-cv-00255-JLK)

Submitted: September 26, 2006

Decided: October 2, 2006

Before WIDENER and WILKINSON, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

No. 06-7002, petition denied, and No. 06-7200, affirmed by unpublished per curiam opinion.

Bernard Barnett, Petitioner/Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In these consolidated cases, Bernard Barnett petitions for a writ of mandamus and appeals the district court's order denying relief on his petition filed under 28 U.S.C. § 2241 (2000)

In No. 06-7002, Barnett petitions for a writ of mandamus seeking an order vacating his convictions and sentences. Mandamus 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 only be used 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, we accordingly conclude that Barnett is not entitled to mandamus relief. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). We therefore deny his petition for mandamus relief.

We grant Barnett leave to proceed in forma pauperis, however, with respect to No. 06-7200, we have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Barnett v. Bledsoe, No. 7:06-cv-00255 (W.D. Va. May 9, 2006).

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.

No. 06-7002, PETITION DENIED;
No. 06-7200, AFFIRMED