

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7120

In Re: HENRY EARL MILLER,

Petitioner.

On Petition for Writ of Mandamus. (6:06-cv-00548-HFF)

Submitted: November 6, 2007

Decided: November 30, 2007

Before NIEMEYER, GREGORY, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Henry Earl Miller, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Henry Earl Miller has filed a petition for writ of mandamus raising ten issues challenging his criminal convictions for bank robbery and firearms offenses, the resulting sentence, and the 28 U.S.C. § 2255 (2000) proceeding in the district court. Mandamus is a drastic remedy to be used only in extraordinary circumstances, when "the petitioner has no other adequate means to obtain relief to which there is a clear and indisputable right." In re Blackwater Sec. Consulting, L.L.C., 460 F.3d 576, 592 (4th Cir. 2006) (internal quotations and citation omitted), cert. denied, 127 S. Ct. 1381 (2007). "Courts are extremely reluctant to grant a writ of mandamus." In re Beard, 811 F.2d 818, 827 (4th Cir. 1987). Mandamus relief is not a substitute for appeal. In re Catawba Indian Tribe, 973 F.2d 1133, 1136 (4th Cir. 1992). Because the issues Miller raises could all be asserted on appeal of the § 2255 proceeding, he is not eligible for mandamus relief. Accordingly, although we grant leave to proceed in forma pauperis, 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