

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1575

In Re: STEVEN AUBREY BURNETTE,
Petitioner.

On Petition for Writ of Mandamus.
(No. 7:99-cr-00109-jct-mfu-1)

Submitted: August 21, 2008

Decided: August 25, 2008

Before WILLIAMS, Chief Judge, and KING and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Steven Aubrey Burnette, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Aubrey Burnette has filed a petition for writ of mandamus raising four claims challenging his criminal convictions for bank robbery and firearms offenses. Mandamus relief is available only when the petitioner has a clear right to the relief sought, and no other means to seek that relief. 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). Because Burnette was able to seek the requested relief on these claims in his 28 U.S.C. § 2255 (2000) motion, he is not entitled to 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