

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1938

In Re: WILLIE LEWIS REESE,

Petitioner.

On Petition for Writ of Mandamus.
(3:05-cr-00241-RJC-1; 3:07-cv-00507-RJC)

Submitted: November 21, 2008 Decided: December 11, 2008

Before MICHAEL, MOTZ, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Willie Lewis Reese, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Willie Lewis Reese petitions for a writ of mandamus, seeking orders relieving him of an allegedly illegal sentence and remanding him to the district court for resentencing and an evidentiary hearing concerning his counsel's performance. We deny the petition.

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).

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