

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-1325**

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In Re: CHARLES ROBERT BAREFOOT, JR.,  
Petitioner.

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On Petition for Writ of Mandamus.  
(5:05-cr-00166-BO-1)

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Submitted: May 21, 2009

Decided: May 28, 2009

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Before MOTZ, TRAXLER, and AGEE, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Charles Robert Barefoot, Jr., Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Robert Barefoot, Jr., petitions for a writ of mandamus seeking an order directing that Judge Boyle be recused from Barefoot's criminal proceedings. We conclude Barefoot 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 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).

We note Barefoot failed to allege with any particularity the extrajudicial bias necessary to warrant recusal of any judge and is not entitled to the relief sought. See Beard, 811 F.2d at 827.

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