

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1994

In Re: TRACEY C. THARP, a/k/a Yvette Decker, a/k/a Tracie Davis, a/k/a Tracie Moody, a/k/a Tracey Davis Tharp, a/k/a Tracy Davis,

Petitioner.

On Petition for Writ of Mandamus.
(2:04-cr-00034-RBS-JEB-2)

Submitted: November 17, 2009 Decided: November 20, 2009

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Tracey C. Tharp, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tracey C. Tharp petitions for a writ of mandamus seeking an order compelling the Bureau of Prisons to let her finish her prison sentence in home confinement.

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).

Tharp has not demonstrated that she has a clear right to the relief sought, nor has she demonstrated that the district court has a duty to grant that 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