

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-2173**

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In Re: ALVIN BERNARD TRUESDALE,

Petitioner.

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On Petition for Writ of Mandamus.  
(3:92-cr-00034-MR-1)

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Submitted: February 28, 2011

Decided: March 4, 2011

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Before TRAXLER, Chief Judge, and KING and DIAZ, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Alvin Bernard Truesdale, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alvin Bernard Truesdale petitions for a writ of mandamus seeking an order directing the district court to file and liberally construe his pleadings and to schedule a hearing. We conclude that Truesdale is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Mandamus may not be used as a substitute for appeal, In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007), and 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).

The relief sought by Truesdale is not available by way of mandamus. Accordingly, 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