

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1155

In Re: ANTHONY EUGENE BROOKS,

Petitioner.

On Petition for Writ of Mandamus.
(5:09-cv-01547; 5:10-cv-00982)

Submitted: March 21, 2011

Decided: April 22, 2011

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Anthony Eugene Brooks, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Eugene Brooks petitions for a writ of mandamus seeking an order directing his immediate release or an order for "the Government to show cause why an evidentiary hearing should not be held immediately." We conclude that Brooks 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). Further, 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). Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007).

The relief sought by Brooks 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