

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-1765**

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In Re: STEVEN DESMOND PETERSON, a/k/a Primo,  
Petitioner.

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On Petition for Writ of Mandamus.  
(3:94-cr-00046-H-3)

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Submitted: October 28, 2011                      Decided: November 3, 2011

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Before WILKINSON and KING, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Steven Desmond Peterson, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Desmond Peterson petitions for a writ of mandamus seeking an order directing the district court to vacate two counts of his underlying conviction and resentencing. We conclude that Peterson 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). Because Peterson cannot show that he has such a right, the relief sought by Peterson 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