

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-1209**

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In re: MATTHEW JOHNSON, a/k/a Michael Roy Johnson,  
Petitioner.

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On Petition for Writ of Mandamus.  
(5:04-cr-00065-RLV-DCK-1)

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Submitted: June 21, 2012

Decided: June 25, 2012

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Before GREGORY, SHEDD, and DAVIS, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Matthew Johnson, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Matthew Johnson petitions for a writ of mandamus seeking an order directing the district court to order the Government to return his property and pay all related court costs. We conclude that Johnson 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 Johnson 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

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\* To the extent Johnson complains of undue delay in the district court with respect to his motion for reconsideration, we deny the petition as moot in light of the district court's ruling on this motion on April 20, 2012.

before the court and argument would not aid the decisional process.

PETITION DENIED