

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-1770**

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In re: NORMAN ALAN KERR,

Petitioner.

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On Petition for Writ of Mandamus  
(No. 1:09-cr-00290-NCT-1)

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Submitted: September 11, 2012      Decided: September 13, 2012

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Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

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Petitions denied by unpublished per curiam opinion.

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Norman Alan Kerr, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Norman Alan Kerr petitions this court for a writ of mandamus, seeking an order directing his immediate release from imprisonment. We conclude that Kerr is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. 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 Kerr is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis and grant Kerr's motion seeking leave to file an amended petition for a writ of mandamus, we deny the original and amended petitions for a writ of mandamus. We also deny as moot Kerr's motion for reappointment of new counsel and 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.

PETITIONS DENIED