

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2419

In re: JANISON VEAL, a/k/a Jason,

Petitioner.

On Petition for Writ of Mandamus.
(No. 3:02-cr-00043-JPB-JES-1)

Submitted: January 17, 2013

Decided: January 22, 2013

Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Janison Veal, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Janison Veal petitions for a writ of mandamus seeking an order compelling the district court to append its findings of fact from Veal's first resentencing to the presentence report provided to the Bureau of Prisons. We conclude that Veal 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 Veal 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 this court and argument would not aid the decisional process.

PETITION DENIED