

Filed: February 14, 2013

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2446
(5:11-cr-00124-1)

In Re: ELISHA RIGGLEMAN,

Petitioner.

O R D E R

The Court amends its opinion filed January 22, 2013,
as follows:

On the cover sheet, the "Submitted" date is corrected
to read "January 17, 2013."

For the Court - By Direction

/s/ Patricia S. Connor
Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2446

In Re: ELISHA RIGGLEMAN,

Petitioner.

On Petition for a Writ of Prohibition.
(5:11-cr-00124-1)

Submitted: January 17, 2013 Decided: January 22, 2013

Before GREGORY, SHEDD, and KEENAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Elisha Riggleman, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elisha Riggleman petitions for a writ of prohibition seeking an order directing that his criminal case be dismissed. Riggleman is not entitled to such relief.

A writ of prohibition "is a drastic and extraordinary remedy which should be granted only when the petitioner has shown his right to the writ to be clear and undisputable and that the actions of the court were a clear abuse of discretion." In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983). A writ of prohibition may not be used as a substitute for appeal. Id.

Riggleman has not shown any basis for the relief he seeks. Accordingly, although we grant leave to proceed in forma pauperis, we deny the writ of prohibition. 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