

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-6517**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RIGOBERTO HERNANDEZ-PORTILLO, a/k/a Tiny, a/k/a Carlos  
Antonio Martinez,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Gerald Bruce Lee, District  
Judge. (1:07-cr-00081-GBL-4)

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Submitted: June 14, 2012

Decided: June 20, 2012

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Before WILKINSON, NIEMEYER, and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Rigoberto Hernandez-Portillo, Appellant Pro Se. Beth Nicole  
Gibson, DEPARTMENT OF HOMELAND SECURITY, Washington, D.C.;  
Patrick Friel Stokes, UNITED STATES DEPARTMENT OF JUSTICE,  
Washington, D.C., for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rigoberto Hernandez-Portillo seeks to appeal the district court's order denying his motion for financial assistance of counsel. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). The order Hernandez-Portillo seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. We also deny Hernandez-Portillo's petition for 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), which is not the case here. 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.

DISMISSED