

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-1211**

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In re: SABAS IBARRA,

Petitioner.

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On Petition for Writ of Mandamus.  
(1:11-cv-00530-NCT-LPA)

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Submitted: May 22, 2014

Decided: May 28, 2014

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Before TRAXLER, Chief Judge, and HAMILTON and DAVIS, Senior  
Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Sabas Ibarra, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sabas Ibarra petitions for a writ of mandamus seeking an order from this court directing the district court to grant relief on his 28 U.S.C. § 2254 (2012) petition. We conclude that Ibarra 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 Ibarra is not available by way of mandamus. Accordingly, we grant leave to proceed in forma pauperis and 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