

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-2348

IN RE: CHARLES FRANCIS GRAHAM,

Petitioner.

On Petition for Writ of Mandamus.
(3:09-cv-00149-RJC)

Submitted: April 23, 2015

Decided: April 27, 2015

Before SHEDD, DUNCAN, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Charles Francis Graham, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Francis Graham petitions for a writ of mandamus seeking an order directing the recusal of the district court judge and reinstatement of his 28 U.S.C. § 2254 (2012) petition. We conclude that Graham 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), and when there are no other means by which the relief sought could be granted. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987).

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