

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-2389

In re: JAMES C. PLATTS,

Petitioner.

On Petition for Writ of Mandamus. (5:14-cv-00072-FPS-JES)

Submitted: February 12, 2015 Decided: February 18, 2015

Before MOTZ, WYNN, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

James C. Platts, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James C. Platts petitions for a writ of mandamus seeking an order from this court compelling the district court to consider certain evidence when deciding his pending 28 U.S.C. § 2241 (2012) petition.

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 may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). An order compelling the district court to consider certain evidence when deciding Platts' § 2241 petition is not available by way of mandamus.

Platts also alleges that the district court has unduly delayed in ruling on his § 2241 petition. He seeks an order from this court directing the district court to act. We find the present record does not reveal undue delay in the district court. Accordingly, we grant leave to proceed in forma pauperis and deny the mandamus petition. 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