

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1020

In re: EDWARD DANE JEFFUS,

Petitioner.

On Petition for Writ of Mandamus. (6:92-cr-00184-NCT-2)

Submitted: February 9, 2015

Decided: March 4, 2015

Before NIEMEYER, SHEDD, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Edward Dane Jeffus, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edward Dane Jeffus petitions for a writ of mandamus in which he seeks review of the district court's denial of the motion to suppress that he filed during his criminal proceedings. He also seeks an order directing the district court to rule on the merits of his motion for release on bail. We conclude that Jeffus 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 Jeffus is not available by way of mandamus.* 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

* To the extent Jeffus argues that the district court has unduly delayed acting on his motion for bail, we deny the petition as moot. The district court's docket reveals that the renewed motion was denied on January 15, 2015.

contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED