

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1164

In Re: KEVIN WAYNE MCDANIELS,

Petitioner.

On Petition for Writ of Mandamus.
(1:14-cv-03728-TLW; 1:14-cv-04197-TLW)

Submitted: June 25, 2015

Decided: June 29, 2015

Before GREGORY, FLOYD, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Kevin Wayne McDaniels, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Wayne McDaniels petitions for a writ of mandamus seeking an order directing the recusal of certain district court judges, reopening of his 28 U.S.C. § 2255 (2012), proceedings or his trial, and the refund of filing fees he has paid. We conclude that McDaniels is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. 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). The relief sought by McDaniels is not available by way of mandamus. Accordingly, we deny the petition and amended petitions for writ of mandamus as well as McDaniels' motion for return of filing fees. 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