

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1181

IN RE: DARRELL LYNN HENDERSON,

Petitioner.

On Petition for Writ of Mandamus.
(1:07-cr-00067-CG-M-1)

Submitted: March 17, 2015

Decided: March 20, 2015

Before WILKINSON and KING, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Darrell Lynn Henderson, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darrell Lynn Henderson petitions for a writ of mandamus seeking an order requiring the United States District Court for the Southern District of Alabama and certain prison officials to grant him certain credit toward his sentence. We conclude that Henderson 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).

This court's authority to issue mandamus relief "is only incidental to and in aid of appellate jurisdiction, which Congress has given it over district courts." Gurley v. Superior Court of Mecklenburg Cnty., 411 F.2d 586, 587 (4th Cir. 1969) (citations and internal quotation marks omitted). Because we lack appellate jurisdiction over the Southern District of Alabama, we lack jurisdiction to issue the requested writ to that court. We also conclude that Henderson has not met the burden required for the issuance of a writ of mandamus to the prison officials because he has not shown that he has no other avenue to seek relief.

Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We also deny as moot Henderson's request for an expedited decision. 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