

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-1301**

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In re: JAMES LESTER ROUDABUSH, JR.,

Petitioner.

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On Petition for Writ of Mandamus.  
(No. 1:13-cr-00195-CMH-1)

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Submitted: June 18, 2015

Decided: June 22, 2015

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Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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James Lester Roudabush, Jr., Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Lester Roudabush, Jr., petitions for a writ of mandamus, seeking an order from this court directing the district court to provide him with papers he believes he needs to file a motion under 28 U.S.C. § 2255 (2012) or to appoint counsel to represent him.\* We conclude that Roudabush 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). 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 Roudabush is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for a writ of mandamus.

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\* In the petition, Roudabush also states that the district court has not ruled on his February 2015 motion seeking a copy of the trial transcript and presentence report or, in the alternative, appointment of counsel. To the extent Roudabush seeks an order from this court directing the district court to act on his motion, we find that the present record does not reveal undue delay in the district court.

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