

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-1428**

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In re: THOMAS CREIGHTON SHRADER,

Petitioner.

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On Petition for Writ of Mandamus.  
(1:09-cr-00270-1)

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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Petition denied by unpublished per curiam opinion.

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Thomas Creighton Shrader, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas Creighton Shrader petitions for a writ of mandamus seeking an order directing the recusal of the magistrate and district court judges and an order directing his immediate release from incarceration. We conclude that Shrader is not entitled to mandamus relief on these grounds.

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). 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 Shrader has not alleged any nonspeculative basis to question the judges' impartiality. In re Beard, 811 F.2d 818, 827 (4th Cir. 1987). Moreover, Shrader's motion for bond is pending in the district court, and mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007).

Shrader also alleges that the district court has unduly delayed in ruling on his 28 U.S.C. § 2255 (2012) motion and his motion for bond. 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