

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1629

In Re: CHARLES A. DAVIS,

Petitioner.

On Petition for Writ of Mandamus.
(5:11-cr-00032-RLV-DSC-1)

Submitted: August 20, 2015

Decided: August 24, 2015

Before DUNCAN, KEENAN, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Charles A. Davis, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles A. Davis petitions for a writ of mandamus seeking an order setting aside his conviction and sentence or directing the district court to set aside his conviction and sentence. We conclude that Davis 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 Davis is not available by way of mandamus. Accordingly, we deny the petition for writ of mandamus. We also deny as moot Davis' request for judicial notice. 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