

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 03-6142**

---

In Re: ELIZABETH MARIE RUSHING FLOYD,

Petitioner.

---

On Petition for Writ of Mandamus.  
(CR-00-8-P, CA-02-44-3-2-V)

---

Submitted: February 20, 2003

Decided: February 28, 2003

---

Before LUTTIG, MOTZ, and GREGORY, Circuit Judges.

---

Petition denied by unpublished per curiam opinion.

---

Elizabeth Marie Rushing Floyd, Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Elizabeth Marie Rushing Floyd petitions for a writ of mandamus. She seeks an order setting aside her conviction and sentence.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Assn., 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Floyd is not available by way of mandamus. Accordingly, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED