

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1652

In re: ELISHA RIGGLEMAN,

Petitioner.

On Petition for a Writ of Mandamus.
(5:11-cr-00124-a)

Submitted: July 19, 2012

Decided: July 23, 2012

Before DUNCAN, AGEE, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Elisha Riggleman, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elisha Riggleman petitions for a writ of mandamus seeking an order directing that the Special Assistant United States Attorney be recused. We conclude that Riggleman is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States 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).

Riggleman has not shown any basis for the relief sought. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We also deny Riggleman's motions for appointment of counsel and to hold the district court proceedings in abeyance. 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