

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-608

In Re: CARL ROBERT CHRISTY,

Petitioner.

On Petition for Writ of Mandamus.
(CA-96-741-5-F, CR-89-9-F)

Submitted: September 10, 1998 Decided: September 23, 1998

Before MURNAGHAN, MICHAEL, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Carl Robert Christy, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Carl Robert Christy brings this mandamus petition complaining about the district court's handling of his 28 U.S.C. § 2255 (1994) motion he filed concerning his conviction for conspiracy to possess with the intent to distribute cocaine in violation of 21 U.S.C. §§ 841 and 846 (1994). The district court denied § 2255 relief, and on appeal, this court denied a certificate of appealability and dismissed the action. See United States v. Christy, No. 97-7107 (4th Cir. June 22, 1998) (unpublished). Apparently, in this mandamus petition, Christy seeks to revisit the concerns he raised in his § 2255 motion. Mandamus is a drastic remedy to be used only in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Mandamus relief may not be used as a substitute for appeal. In re Catawba Indian Tribe, 973 F.2d 1133, 1135 (4th Cir. 1992). Accordingly, we deny Christy's petition for mandamus relief. 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