

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-2201

In re: MICHAEL P. GRAFMULLER,
Petitioner.

On Petition for Writ of Prohibition.
(2:13-cv-00050-RAJ-DEM)

Submitted: February 23, 2016 Decided: February 25, 2016

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Michael P. Grafmuller, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael P. Grafmuller petitions for a writ of prohibition seeking an order vacating his military convictions.* A writ of prohibition “is a drastic and extraordinary remedy” that is available only when the petitioner has a clear and indisputable right to the relief sought. In re Vargas, 723 F.2d 1461, 1468 (10th Cir. 1983). A writ of prohibition may not be used as a substitute for appeal. Id.

We have reviewed the petition and conclude that Grafmuller has not made the requisite showing for issuance of the writ. Accordingly, although we grant leave to proceed in forma pauperis, we deny the writ of prohibition. 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

* To the extent that Grafmuller also seeks the dismissal of his appeal of the district court’s order denying his Fed. R. Civ. P. 60(b) motion, this court has already affirmed the district court’s order, rendering the issue moot. See Grafmuller v. Wegner, No. 15-7268, 2016 WL 233184 (4th Cir. Jan. 20, 2016) (unpublished).