

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2494

In re: CHARLES A. DAVIS,

Petitioner.

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

Submitted: February 26, 2019

Decided: February 28, 2019

Before KING, THACKER, and QUATTLEBAUM, 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Petition denied by unpublished per curiam opinion.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Unpublished opinions are not binding precedent in this circuit.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 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. Ct.*, 426 U.S. 394, 402 (1976); *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir 2018). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. *South Carolina v. United States*, 907 F.3d 742, 754 (4th Cir. 2018). 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 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