

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1620

In re: FRANKLIN C. SMITH,

Petitioner.

On Petition for Writ of Mandamus.

Submitted: September 9, 2021

Decided: September 13, 2021

Before MOTZ, KING, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Franklin C. Smith, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Franklin C. Smith petitions for a writ of mandamus seeking an order compelling the recall of a warrant and the dismissal of state petit larceny charges. We conclude that Smith is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004); *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 and “has no other adequate means to attain the relief [he] desires.” *Murphy-Brown*, 907 F.3d at 795 (alteration and internal quotation marks omitted).

The relief sought by Smith 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