

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-1645

In re: DANNY L. BLACKMON,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of North Carolina, at Wilmington. (7:03-cr-00077-BO-1)

Submitted: September 12, 2024

Decided: September 19, 2024

Before WILKINSON, THACKER, and HARRIS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Danny L. Blackmon, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Danny L. Blackmon petitions for a writ of mandamus seeking an order correcting his presentence report, vacating his conviction, and ordering his immediate release. We conclude that Blackmon 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 “ha[s] no other adequate means to attain the relief [he] desires.” *Murphy-Brown*, 907 F.3d at 795 (quoting *Cheney*, 542 U.S. at 380-81). And 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 Blackmon 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