

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1148

In Re: RICKEY A. MERICA,

Petitioner.

On Petition for Writ of Mandamus.
(5:04-cr-00015-gec-bwc-1; 7:07-cv-00350-gec-mfu)

Submitted: June 17, 2010

Decided: June 24, 2010

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

Petition denied by unpublished per curiam opinion.

Rickey A. Merica, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rickey A. Merica petitions for a writ of mandamus seeking an order compelling the district court to release grand jury transcripts.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988).

Merica does not have a clear right to the grand jury transcripts he seeks, nor does this case involve extraordinary circumstances. Accordingly, although we grant leave to proceed in forma pauperis, 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 the court and argument would not aid the decisional process.

PETITION DENIED