

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 13-1573**

---

In Re: NICHOLAS JAMES QUEEN, SR.,

Petitioner.

---

On Petition for Writ of Mandamus.  
(1:93-cr-00366-WMN-1)

---

Submitted: August 12, 2013

Decided: August 22, 2013

---

Before WILKINSON, MOTZ, and AGEE, Circuit Judges.

---

Petition denied by unpublished per curiam opinion.

---

Nicholas James Queen, Sr., Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nicholas Queen, Sr., petitions for a writ of mandamus, seeking an order exempting him from the "gate-keeping" standard of 28 U.S.C.A. § 2255 (West Supp. 2013). We deny the petition.

Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States 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).

Queen has failed to demonstrate entitlement to mandamus relief. 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