UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1026

In re: IPOLITO CAMPOS, a/k/a Polo,

Petitioner.

On Petition for Writ of Mandamus.
(2:13-cv-00108-RAJ-TEM; 2:03-cr-00032-HCM-FBS-1)

Submitted: May 22, 2014 Decided: May 28, 2014

Before TRAXLER, Chief Judge, and HAMILTON and DAVIS, Senior Circuit Judges.

Petition denied by unpublished per curiam opinion.

Ipolito Campos, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Ipolito Campos filed a complaint concerning a request he made under the Freedom of Information Act. The action ultimately was dismissed without prejudice. Meanwhile, Campos petitioned for a writ of mandamus, expressing dissatisfaction with the district court's handling of his action and seeking, inter alia, an order from this court transferring his action to another court. We conclude that Campos 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. 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). 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 Campos is not available by way of mandamus. Accordingly, although we grant Campos 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 this court and argument would not aid the decisional process.

PETITION DENIED