

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-2000**

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In re: ALVITA KAREN GUNN,

Petitioner.

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On Petition for Writ of Mandamus.  
(8:09-cr-00213-RWT-4; 8:14-cv-00167-RWT)

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Submitted: January 22, 2015

Decided: January 26, 2015

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Before SHEDD, KEENAN, and DIAZ, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Alvita Karen Gunn, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alvita Karen Gunn petitions for a writ of mandamus, seeking this court's review of her motion under 28 U.S.C. § 2255 (2012) or, alternatively, an order recusing the district court judge. 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). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. United States v. Moussaoui, 333 F.3d 509, 517 (4th Cir. 2003). Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007).

We conclude that the relief sought by Gunn is not available by way of mandamus. Moreover, to the extent that Gunn argues delay by the district court, our review of the district court's docket reveals that the court has ruled on Gunn's motion. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for a writ of mandamus and the motion for bail or release pending appeal. 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