

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-2097

In re: MICHAEL ANTHONY HICKSON,

Petitioner.

On Petition for Writ of Mandamus.
(8:09-cr-00213-RWT-2; 8:13-cv-02790-RWT)

Submitted: January 22, 2015

Decided: January 26, 2015

Before SHEDD, KEENAN, and DIAZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Michael Anthony Hickson, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Anthony Hickson petitions for a writ of mandamus, seeking this court's review of his 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 Hickson is not available by way of mandamus. Moreover, to the extent that he argues delay by the district court, our review of the district court's docket reveals that the court has ruled on Hickson'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