

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1831

In Re: MATTHEW DAVIS,

Petitioner.

On Petition for Writ of Mandamus.
(6:95-cr-00284-CCE-1)

Submitted: September 29, 2016

Decided: October 12, 2016

Before FLOYD and THACKER, Circuit Judges, and DAVIS, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Matthew Davis, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Matthew Davis petitions for a writ of mandamus seeking an order directing the district court to reinstate his direct appeal. We conclude that Davis 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).

Davis has not shown the existence of an extraordinary circumstance, nor has he shown that he has a clear right to the relief he seeks. 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 this court and argument would not aid the decisional process.

PETITION DENIED