**UNPUBLISHED**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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**No. 03-7170**

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In Re: CORNELIUS TUCKER, JR.,

Petitioner.

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On Petition for Writ of Mandamus. (CR-02-235)

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Submitted: November 19, 2003 Decided: December 24, 2003

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Before MOTZ, KING, and GREGORY, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Cornelius Tucker, Jr., Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Cornelius Tucker, Jr., petitions for a writ of mandamus. He seeks an order directing the district court to resolve in his favor various complaints stemming from his ongoing criminal trial.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re First Fed. Sav. & Loan Assn., 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Tucker is not available by way of mandamus. 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