UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7105

IN RE: DAVID M. KISSI,

Petitioner.

On Petition for Writ of Mandamus.
(CR-05-254)

Submitted: December 22, 2005 Decided: December 30, 2005

Before WIDENER, NIEMEYER, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

David M. Kissi, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David M. Kissi petitions for a writ of mandamus. He seeks an order directing a change of venue in the underlying criminal proceeding and an order granting his release from detention. 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).

With these criteria in mind, we conclude Kissi is not entitled to mandamus relief. Accordingly, we deny his petition for writ of mandamus, amended petitions, and supplements. We also deny Kissi's motions to expedite, for a suppression hearing, and for appointment of counsel. 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