

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-1652**

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In re: RICHARD E. BOGGS

Petitioner.

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On Petition for Writ of Mandamus to the United States District Court for the District of South Carolina, at Columbia. (3:22-cr-00221-CMC-1)

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Submitted: June 27, 2023

Decided: June 29, 2023

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Before WYNN, QUATTLEBAUM, and HEYTENS, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Richard E. Boggs, Petitioner Pro Se. John C. Potterfield, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard E. Boggs petitions for a writ of mandamus seeking an order voiding his conviction and dismissing his criminal proceeding. He has also moved to stay his sentencing pending our decision. We conclude that Boggs is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004); *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought and “has no other adequate means to attain the relief [he] desires.” *Murphy-Brown*, 907 F.3d at 795 (alteration and internal quotation marks omitted). Mandamus may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007).

The relief sought by Boggs is not available by way of mandamus. Accordingly, we deny the petition for writ of mandamus and deny Boggs’ motion to stay. 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*