NO:_____

_____

IN THE

Supreme Court of THE United STATES

IN RE:

MAECHEL S. PATTERSON
PRO-SE Petitioner

Motion FOR
Rule 40 (1)

NOW Comes MAECHEL S. PATTERSON ASKING THIS COURT FOR LEAVE TO PROCEED AS A Veteran EXEMPTING Petitioner FROM Filing Fees AND COURT COST THIS November the 25th, 2019.

MAECHEL S. PATTERSON
0668123 (INMATE)
P.O. BOX 1058
BURGAW, N.C. 28425

Maechel S Patterson
25 Nov. 2019

IN THE

Supreme Court of the United States

IN RE: Maechel S. Patterson Petitioner	Sworn Affidavit Pursuant to 28 U.S.C. § 1746

I Maechel SHAWN Patterson Declare that I Am A Veteran From THE United STATES NAVY WITH A Honorable Discharge.

28 U.S.C. § 1746

I Maechel SHAWN PATTERSON SWEAR UNDER Penalty of Perjury Above DATA Is TRUE AND Correct THIS 25th DAY of NOV, 2019.

Maechel S. Patterson
#0668123
P.O. Box 1058
Bursaw, N.C. 28425

Maechel S Patterson

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2070

In re: MAECHEL SHAWN PATTERSON,

Petitioner.

On Petition for Writ of Mandamus. (5:13-ct-03132-D)

Submitted: November 19, 2019 Decided: November 21, 2019

Before WILKINSON and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Maechel Shawn Patterson, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Maechel Shawn Patterson petitions for a writ of mandamus seeking an order directing the district court to: (1) vacate its November 6, 2014, order denying reconsideration of the order dismissing his 42 U.S.C. § 1983 (2012) action; (2) liberally construe his § 1983 complaint as a motion for a sentence reduction; and (3) reduce his sentence to time served and order his immediate release. We conclude that Patterson 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). Mandamus relief is available only when the petitioner has a clear right to the relief sought and no other adequate means for obtaining that relief. *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018). Further, 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 Patterson 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 this court and argument would not aid the decisional process.

PETITION DENIED

Additional material from this filing is available in the Clerk's Office.