UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6810

In Re: CORNELIUS TUCKER, JR.,

                                                    Petitioner.

No. 07-7056

In Re: CORNELIUS TUCKER, JR.,

                                                    Petitioner.

On Petitions for Writ of Mandamus.
(5:07-hc-02039; 5:07-hc-02128-H)

Submitted: September 10, 2007   Decided: September 21, 2007

Before WILKINSON and MOTZ, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petitions denied by unpublished per curiam opinion.

Cornelius Tucker, Jr., Petitioner Pro Se.

PER CURIAM:

In these consolidated petitions, Cornelius Tucker, Jr., petitions for writs of mandamus seeking orders directing two district court judges to appoint a psychiatrist to examine Tucker, and to hold a hearing under 18 U.S.C. § 4243(c) (2000). We conclude that Tucker is not entitled to the requested relief.

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). Further, mandamus is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). In a prior appeal, we approved the district court's decision to delay the § 4243(c) hearing until Tucker's release from state custody. United States v. Tucker, 153 F. App'x 173 (4th Cir. 2005) (No. 05-4336(L)). Nothing has changed in the interim to affect that decision. See Tucker v. United States, 197 F. App'x 230 (4th Cir. 2006) (No. 06-6046) (affirming district court's denial of 28 U.S.C. § 2241 (2000) petition raising similar claim).

Accordingly, although we grant leave to proceed in forma pauperis in No. 07-6810, we deny the petitions 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.

<u>PETITIONS DENIED</u>