

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1595

In Re: RANDY DRUMMOND,

Petitioner.

On Petition for Writ of Mandamus. (2:07-cv-03031-TLW)

Submitted: September 21, 2009 Decided: October 21, 2009

Before KING and SHEDD, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Randy Drummond, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Randy Drummond petitions for a writ of mandamus seeking an order directing the district court to allow him to file an application for a certificate of appealability of the district court's orders denying relief on his 28 U.S.C. § 2254 (2006) petition and denying his motion for reconsideration. We previously denied a certificate of appealability and dismissed Drummond's appeal as to both orders. We conclude that Drummond is not entitled to mandamus 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).

The relief sought by Drummond 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 also deny Drummond's motion to compel answer. 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