

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1295

In re: RICHARD J. KOONCE, III,

Petitioner.

On Petition for Writ of Mandamus. (3:14-cr-00025-GEC-RSB-8; 3:16-cv-80968-GEC-RSB; 3:16-cv-81220-GEC-RSB)

Submitted: June 20, 2017

Decided: June 22, 2017

Before SHEDD, WYNN, and DIAZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Richard J. Koonce, III, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard J. Koonce, III, petitions for a writ of mandamus requesting expedited decision on his 28 U.S.C. § 2255 (2012) motion and also seeking an order granting the relief requested in his § 2255 motion. We conclude that Koonce is not entitled to mandamus relief.

Our review of the district court's docket reveals that the district court has dismissed Koonce's § 2255 motion and denied a certificate of appealability. Accordingly, because the district court has recently decided Koonce's case, we deny the part of the mandamus petition complaining of delay as moot.

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). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought and no other adequate remedy is available. *In re First Fed. Sav. & Loan Ass'n*, 860 F.2d 135, 138 (4th Cir. 1988). Because Koonce can pursue his claims through his § 2255 motion and appeal, the relief he seeks is not available by way of mandamus.

Accordingly, we grant leave to proceed in forma pauperis and deny the mandamus petition. 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