

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-6184**

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In Re: STANLEY LORENZO WILLIAMS,

Petitioner.

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On Petition for Writ of Mandamus.  
(1:00-cv-00393-FWB)

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Submitted: May 31, 2006

Decided: June 21, 2006

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

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Petition denied by unpublished per curiam opinion.

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Stanley Lorenzo Williams, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Stanley Lorenzo Williams petitions for writ of mandamus seeking an order directing the district court to act on Williams' 28 U.S.C. § 2254 (2000) petition which was dismissed without prejudice in 2001. We conclude that Williams is not entitled to mandamus relief.

Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Courts are extremely reluctant to grant a writ of mandamus. In re Beard, 811 F.2d 818, 827 (4th Cir. 1987). Mandamus relief is not a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). To obtain mandamus relief, a petitioner must show that:

(1) he has a clear and indisputable right to the relief sought; (2) the responding party has a clear duty to do the specific act requested; (3) the act requested is an official act or duty; (4) there are no other adequate means to attain the relief he desires; and (5) the issuance of the writ will effect right and justice in the circumstances.

In re Braxton, 258 F.3d 250, 261 (4th Cir. 2001) (internal quotation and citation omitted).

Williams' § 2254 petition was dismissed several years ago. To the extent that Williams seeks relief from the district court's January 2003 order denying his motion to amend the 2001 petition, he had another available remedy; namely, to appeal from the district

court's order.\* Additionally, Williams could follow the district court's directive in its January 2003 order and file a new § 2254 petition.

The relief sought by Williams 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 the court and argument would not aid the decisional process.

PETITION DENIED

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\*At this point, any appeal filed by Williams would be futile because the thirty-day appeal period has long since expired. Fed. R. App. P. 4(a)(1).