

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7489

In Re: DAVID WILLIAM LINDER,

Petitioner.

On Petition for Writ of Mandamus.
(2:04-cr-00191-JBF)

Submitted: February 22, 2007

Decided: March 1, 2007

Before WILLIAMS, MOTZ, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

David William Linder, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David William Linder petitions for a writ of mandamus seeking an order directing the Warden of the United States Penitentiary in Terre Haute, Indiana, to provide him with a compact disk that allegedly contains evidence relevant to his criminal conviction. We deny the petition.

Mandamus relief is available only when the petitioner has a clear right to the relief sought and no other means to seek the requested relief. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used 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). Linder has not established that he is entitled to the relief sought and fails to establish the requisite extraordinary circumstances.

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