

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7572

In Re: CHRISTOPHER R. WOODBERRY,

Petitioner.

On Petition for Writ of Mandamus.
(4:05-cv-01440-TLW)

Submitted: December 20, 2006

Decided: January 11, 2007

Before WILLIAMS, KING, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Christopher R. Woodberry, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher R. Woodberry petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C. § 2255 motion and motion for recusal. He seeks an order from this court directing the district court to act.

Mandamus relief is available only when the petitioner has a clear and indisputable right to the relief sought and there are no other adequate means for obtaining the relief. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980); In re Beard, 811 F.2d 818, 827 (4th Cir. 1987). Further, mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976).

The district court dismissed Woodberry's § 2255 motion on November 3, 2006, and Woodberry's mandamus petition is therefore moot. Moreover, Woodberry does not have a clear or indisputable right to recusal. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We deny as moot Woodberry's motion to expedite. 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