

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6251

BERNARD BARNETT,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

No. 07-6325

BERNARD BARNETT,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeals from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (7:07-cv-00051-jlk)

No. 07-6326

In Re: BERNARD BARNETT,

Petitioner.

On Petition for Writ of Mandamus
(7:07-cv-00051-jlk)

Submitted: June 13, 2007

Decided: July 11, 2007

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

Nos. 07-6251, 07-6325, affirmed; No. 07-6326, petition denied by unpublished per curiam opinion.

Bernard Barnett, Appellant/Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated cases, Bernard Barnett, a federal prisoner, appeals the district court's orders denying relief on his 28 U.S.C. § 2241 (2000) petition (No. 07-6251) and his motion for reconsideration under Fed. R. Civ. P. 60(b) (No. 07-6325). In No. 07-6326, Barnett petitions for writ of mandamus seeking an order directing the district court to address the merits of a previously filed 18 U.S.C. § 3582 (2000) motion.

With respect to No. 07-6251 and No. 07-6325, we have reviewed the record and find no reversible error. Accordingly, we affirm both orders for the reasons stated by the district court. See Barnett v. United States, No. 7:07-cv-00051-jlk (W.D. Va. Feb. 15, 2007; Mar. 6, 2007).

Regarding Barnett's mandamus petition, we conclude he 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 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).

The relief Barnett seeks is not available by way of mandamus. Also, we lack jurisdiction to compel action by the United States Court of Appeals for the Second Circuit or a district

court in the Southern District of New York. 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.

Nos. 07-6251, 07-6325 - AFFIRMED
No. 07-6326 - PETITION DENIED