

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6974

In Re: DARRELL L. PADGETT,

Petitioner.

On Petition for Writ of Mandamus.
(Nos. 1:07-cv-00068; 1:06-cv-00724; 1:91-cr-00166)

Submitted: October 11, 2007

Decided: October 17, 2007

Before MICHAEL and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Darrell L. Padgett, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darrell L. Padgett petitions for a writ of mandamus seeking an order requiring the district court to act on his pending Fed. R. Crim. P. 36 and 28 U.S.C. § 2255 (2000) motions. He also seeks a reduction in his criminal sentence. We conclude that Padgett 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).

A reduction of Padgett's sentence is not available by way of mandamus. In addition, we find no unreasonable delay in the district court's proceedings. Accordingly, we grant Padgett's motion to proceed in forma pauperis and deny his 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