

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1123

In re: STANLEY LORENZO WILLIAMS,

Petitioner.

On Petition for Writ of Mandamus. (1:03-cv-00299-NCT)

Submitted: May 30, 2008

Decided: July 23, 2008

Before MICHAEL, KING, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Stanley Lorenzo Williams, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stanley Lorenzo Williams petitions for a writ of mandamus seeking an order compelling the chief judge of the United States District Court for the Middle District of North Carolina to act on his objections to the magistrate judge's October 31, 2007, order rejecting post-judgment motions in Williams' 28 U.S.C. § 2254 (2000) proceeding. We conclude that Williams 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 record reveals that the chief judge is not assigned to Williams' case and that the assigned judge has already ruled on Williams' objections to the magistrate judge's October 31, 2007, order. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. Williams' motions for expansion of the record and for a permanent stay of execution of his state court sentences and to expedite consideration of the motion for stay are denied. 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