

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1712

In Re: NORMAN TYRONE DAIS,

Petitioner.

On Petition for Writ of Mandamus.
(4:03-cr-00386-TLW)

Submitted: October 21, 2008

Decided: October 23, 2008

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Norman Tyrone Dais, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Norman Tyrone Dais petitions for a writ of mandamus seeking an order compelling the district court to forestall ruling on his pending motion filed pursuant to 28 U.S.C. § 2255 (2000). We conclude that Dais 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 sought by Dais is not available by way of mandamus. Accordingly, we grant leave to proceed in forma pauperis and 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