

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2185

In Re: OKANG KAREEM ROCHELLE,

Petitioner.

On Petition for Writ of Mandamus. (1:05-cr-00112-UA-1)

Submitted: February 18, 2009

Decided: March 9, 2009

Before MICHAEL, GREGORY, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Okang Kareem Rochelle, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Okang Kareem Rochelle petitions for a writ of mandamus in which he seeks an order dismissing an indictment that charges him in two counts of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) (2006). We conclude that Rochelle 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 be used only 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). Rochelle asserts that he is entitled to mandamus relief due to violations of his Sixth Amendment right to a speedy trial, and other violations of his rights. We have reviewed the record and determine Rochelle is not entitled to the relief sought. Accordingly, although we grant leave to proceed in forma pauperis, we deny Rochelle's motion to expedite 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