

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-2369**

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In Re: SEAN LAMONT DUDLEY, a/k/a John D. Brown,  
Petitioner.

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On Petition for Writ of Mandamus. (5:97-cr-00001-RLV-1)

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Submitted: March 31, 2011 Decided: April 4, 2011

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Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Sean Lamont Dudley, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sean Lamont Dudley has petitioned this court for a writ of mandamus. In his petition, Dudley asks this court to order the district court to establish that it had authority to accept his guilty plea under Fed. R. Crim. P. 11(b)(3) (requiring a district court to determine whether there is a factual basis for a guilty plea). To obtain mandamus relief, a petitioner must show that:

(1) he has a clear and indisputable right to the relief sought; (2) the responding party has a clear duty to do the specific act requested; (3) the act requested is an official act or duty; (4) there are no other adequate means to attain the relief he desires; and (5) the issuance of the writ will effect right and justice in the circumstances.

In re Braxton, 258 F.3d 250, 261 (4th Cir. 2001) (internal quotation marks and citation omitted). We have considered Dudley's petition and conclude that Dudley is not entitled to mandamus relief. Accordingly, we deny Dudley's motion for leave to proceed in forma pauperis and deny the mandamus petition. 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