

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1590

In re: CLAUDE WENDELL BELLAMY,

Petitioner.

On Petition for Writ of Mandamus.
(7:99-cr-00049-F-1; 7:03-cv-00024-F)

Submitted: July 25, 2013

Decided: July 29, 2013

Before GREGORY, DAVIS, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Claude Wendell Bellamy, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Claude Wendell Bellamy petitions for a writ of mandamus seeking an order directing the district court to adjudicate a particular claim raised in a 28 U.S.C.A. § 2255 (West Supp. 2013) motion. We conclude that Bellamy is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, 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).

The relief sought by Bellamy is not available by way of mandamus. In this case, the particular issue was previously considered by the district court and reviewed by this court. See United States v. Bellamy, No. 00-4662, 2002 WL 80259 (4th Cir. Jan 22, 2002) (unpublished). Accordingly, although we grant leave to proceed in forma pauperis, we 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 this court and argument would not aid the decisional process.

PETITION DENIED