

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-1692**

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In re: PATRICK STEPHEN WALSH, a/k/a Patrick Steven Walsh,  
Petitioner.

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On Petition for Writ of Mandamus  
(No. 8:05-cr-00001-RWT-1)

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Submitted: July 17, 2013

Decided: August 13, 2013

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Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Patrick Stephen Walsh, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patrick Stephen Walsh petitions for a writ of mandamus, alleging undue delay by the district court in ruling on his November 1, 2010 petition for relief from judgment under Fed. R. Civ. P. 60(b)(6), November 22, 2010 motion for return of property, June 21, 2011 motion to subpoena telephone records, and November 14, 2011 motion to amend the restitution order. A writ of mandamus is a drastic remedy and should be granted only in those extraordinary situations when no other remedy is available. United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003).

A review of the district court's docket reveals that the district court recently directed the Government to file by July 30, 2013 a response to Walsh's petition, motion to subpoena telephone records, and motion to amend the restitution order, pleadings to which the Government had not filed a response. Because there has been recent significant action in the district court, we conclude that Walsh is not entitled to mandamus relief. Accordingly, we deny the mandamus petition.\*

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\* We anticipate that the district court will address promptly Walsh's pending petition and motions following receipt of the Government's response. However, in view of the length of time Walsh's petition and motions have been pending in the district court, our denial of Walsh's mandamus petition is without prejudice to the filing of another if further  
(Continued)

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

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significant delay occurs in the district court after the expiration of the July 30 response deadline.