

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1963

In Re: JIMMY ALONZO WRIGHT, a/k/a Jimmy Alfonzo Wright,
Petitioner.

On Petition for Writ of Mandamus.
(3:06-cr-00006-RJC-1; 3:12-cv-00460-RJC)

Submitted: January 20, 2015 Decided: January 27, 2015

Before WILKINSON, MOTZ, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Jimmy Alonzo Wright, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jimmy Alonzo Wright petitions for a writ of mandamus, seeking an order directing the district court to decide whether he is entitled to relief under United States v. Simmons, 649 F.3d 237 (4th Cir. 2011) (en banc). Wright also appears to allege that the district court has delayed ruling on unspecified matters. We deny the petition.

Mandamus is a drastic remedy to 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). Mandamus relief is available only when there are no other means by which the relief sought could be granted, and should not be used as a substitute for appeal. Id. at 517. The party seeking mandamus relief bears the heavy burden of showing he has no other adequate means to obtain the relief sought and that his entitlement to relief is clear and indisputable. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980).

While unreasonable delay may be a basis upon which to grant a mandamus petition, see Johnson v. Rogers, 917 F.2d 1283, 1285 (10th Cir. 1990), the record does not disclose such delay in the district court. Further, the relief Rogers seeks under Simmons is not available by way of mandamus.

Accordingly, although we grant leave to proceed in forma pauperis, we deny the mandamus petition. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

PETITION DENIED