

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-1051**

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In re: MICHAEL GRAYLEN WHEELER,

Petitioner.

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On Petition for Writ of Mandamus. (5:04-cr-00066-RLV-CH-1)

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Submitted: May 31, 2018

Decided: June 21, 2018

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Before MOTZ and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Michael Graylen Wheeler, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Graylen Wheeler petitions for a writ of mandamus, alleging the district court has not adjudicated his 18 U.S.C. § 3582(c)(2) (2012) motion that he filed on June 11, 2012. He seeks an order from this court directing the district court to act. The pro se motion requested a sentence reduction based on Amendment 750. However, the district court had already denied his counseled § 3582(c)(2) motion based on Amendment 750, and we affirmed the district court's order denying the motion. Moreover, Wheeler is no longer serving the prison sentence that was based on a Sentencing Guidelines range that was subsequently lowered by the Sentencing Commission. Instead, he is now serving a revocation sentence based on his violation of supervised release conditions.

“[M]andamus has traditionally been used in the federal courts only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.” *Will v. United States*, 389 U.S. 90, 95 (1967) (internal quotation marks and citation omitted). Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Kerr v. U.S. Dist. Court*, 426 U.S. 394, 402 (1976); *United States v. Moussaoui*, 333 F.3d 509, 516-17 (4th Cir. 2003). The party seeking issuance of the writ bears the burden of showing that his right to the writ is clear and indisputable. *Moussaoui*, 333 F.3d at 517 (citations omitted). We conclude that Wheeler fails to make this showing. Accordingly, although we grant him leave to proceed in forma pauperis, we deny the petition for a 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*