

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1611

In re: DERRELL LAMONT GILCHRIST,

Petitioner.

On Petition for Writ of Mandamus. (8:02-cr-00245-DKC-1)

Submitted: October 29, 2018

Decided: November 7, 2018

Before WILKINSON and THACKER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Derrell Lamont Gilchrist, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derrell Lamont Gilchrist petitions for a writ of mandamus, alleging that the district court has unduly delayed in ruling on his postjudgment motions challenging the district court's denial of his 28 U.S.C. § 2255 (2012) motion. He seeks an order from this court directing the district court to act. The district court has stayed the action pending a decision by this Court in several cases challenging the constitutionality of 18 U.S.C. § 924(c)(3)(B) (2012). “The determination by a district judge in granting or denying a motion to stay proceedings calls for an exercise of judgment to balance the various factors relevant to the expeditious and comprehensive disposition of the causes of action on the court’s docket.” *United States v. Ga. Pac. Corp.*, 562 F.2d 294, 296 (4th Cir. 1977). In light of the district court’s reasonable use of its discretion here, we conclude that Gilchrist has not shown extraordinary circumstances justifying granting a writ of mandamus. *See Kerr v. U.S. Dist. Ct.*, 426 U.S. 394, 402 (1976); *United States v. Moussaoui*, 333 F.3d 509, 516-17 (4th Cir. 2003). Accordingly, we grant 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 this court and argument would not aid the decisional process.

PETITION DENIED