

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1784

In re: GARRY DAVID GALLARDO,

Petitioner.

On Petition for Writ of Mandamus. (5:17-cv-00106-FPS-JPM)

Submitted: October 19, 2018

Decided: November 1, 2018

Before DIAZ and HARRIS, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Garry David Gallardo, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Garry David Gallardo petitions for a writ of mandamus, asking this court to compel the district court “to either award the writ of habeas corpus or issue an order to the respondent to show cause why the writ of habeas corpus should not be granted.” 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 of mandamus 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 Gallardo 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