

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2105

In re: SHAPAT AHDAWAN NABAYA, a/k/a Norman Abbott,

Petitioner.

On Petition for Writ of Mandamus. (3:17-cr-00003-MHL-1)

Submitted: January 23, 2020

Decided: January 27, 2020

Before WYNN, DIAZ, and RICHARDSON, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Shapat Ahdawan Nabaya, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shapat Ahdawan Nabaya petitions for a writ of mandamus seeking an order from this court directing the district court to act on his postconviction motions, which he filed in the district court in September 2019. 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). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. *In re First Fed. Sav. & Loan Ass'n*, 860 F.2d 135, 138 (4th Cir. 1988).

The district court's docket establishes that Nabaya's postconviction action is proceeding and reveals no undue delay in the district court. Accordingly, although we grant Nabaya's application 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 materials before this court and argument would not aid the decisional process.

PETITION DENIED