

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6172**

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In Re: CHARLES LEE ALLEN,

Petitioner.

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On Petition for Writ of Mandamus. (CA-99-314)

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Submitted: March 23, 2000

Decided: March 31, 2000

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Before LUTTIG, WILLIAMS, and MICHAEL, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Charles Lee Allen, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Charles Lee Allen has filed a petition for a writ of mandamus asking this court to compel the district court to issue a decision on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 (1994). The granting of a writ of mandamus is a drastic remedy to be used in extraordinary circumstances. See In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). A petitioner must show that he has a clear right to the relief sought, that the respondent has a clear duty to perform the act requested by petitioner, and that there is no other adequate remedy available. See In re First Fed. Sav. & Loan Ass'n, 869 F.2d 135, 138 (4th Cir. 1988). Allen has failed to make the requisite showing for such extraordinary relief. Our review of the district court docket sheet discloses that there has been no undue delay in considering Allen's petition for writ of habeas corpus. Although we grant Allen's motion to proceed in forma pauperis, we deny his petition for writ of mandamus without prejudice to Allen filing another mandamus petition if the district court does not act expeditiously. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED