

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6357**

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In Re: CARNIE NORRIS,

Petitioner.

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On Petition for Writ of Mandamus.  
(CA-99-807-2-18AJ)

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Submitted: April 27, 2000

Decided: May 4, 2000

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Before NIEMEYER and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Carnie Norris, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Carnie Norris 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. § 2254 (West 1994 & Supp. 1999). 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).

The district court dismissed Norris's § 2254 petition on March 24, 2000 without prejudice. Accordingly, although we grant Allen's motion to proceed in forma pauperis, we deny his petition for writ of mandamus because he has received the relief he seeks. 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