

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6544

In Re: HOMER RICHARDS,

Petitioner.

On Petition for Writ of Mandamus.
(CR-93-62-A, CA-97-634-AM)

Submitted: July 13, 2000

Decided: July 24, 2000

Before WIDENER, LUTTIG, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Homer Richards, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Homer Richards has filed a petition for a writ of mandamus seeking an order directing the district court to hold an evidentiary hearing and make findings of fact and conclusions of law as to "potential claims" that the district court allegedly overlooked when ruling on Richards' unsuccessful 28 U.S.C.A. § 2255 (West 1994 & Supp. 2000) motion. Mandamus is a drastic remedy to be used only in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). The party seeking mandamus relief carries the heavy burden of showing that he has "no other adequate means to attain the relief he desires" and that his right to such relief is "clear and indisputable." Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Richards has not made such a showing. Accordingly, we deny his motion for leave to proceed in forma pauperis and dismiss the mandamus petition. 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 DISMISSED