

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6717

In Re: JAMES A. BRASWELL,

Petitioner.

On Petition for Writ of Mandamus. (CR-94-126)

Submitted: July 13, 2000

Decided: July 25, 2000

Before WIDENER, LUTTIG, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

James A. Braswell, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James A. Braswell petitions this court for a writ of mandamus ordering the district court to permit him to untimely file a motion filed under 28 U.S.C.A. § 2255 (West Supp. 2000), and compelling the district court to reconstruct the transcript in his case. Braswell may not use the writ as a substitute for appeal of the district court's order denying his motion to untimely file his habeas petition. See In re: United Steelworkers of America, AFL-CIO-CLC, 595 F.2d 958, 960 (4th Cir. 1979). Moreover, he has not met his heavy burden of demonstrating a "clear and indisputable" right to relief. See Allied Chem. Corp. v. Diaflon, Inc., 449 U.S. 33, 35 (1980). Accordingly, we deny the petition. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

PETITION DENIED