

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6782**

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In Re: ROBERT DION SAVOY,

Petitioner.

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On Petition for Writ of Mandamus.  
(CR-90-398-A, CA-94-1179-AM)

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Submitted: August 24, 2000

Decided: August 31, 2000

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Before MICHAEL and MOTZ, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Robert Dion Savoy, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert D. Savoy brought this petition for writ of mandamus requesting this court to order the district court to vacate its August 5, 1996 order denying his motion filed pursuant to 28 U.S.C.A. § 2255 (West Supp. 2000). He contends that the district court failed to address an issue raised in that motion.

Savoy appealed from the district court's August 5, 1996 order, but he failed to timely raise this issue in that appeal. Savoy's oversight does not present such an extraordinary situation as to warrant the drastic remedy of mandamus relief. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987); In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979) (mandamus not substitute for appeal). Therefore, we deny the petition for writ of mandamus. 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