

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6804

In Re: NATHANIEL SMITH THURSTON, JR.,

Petitioner.

On Petition for Writ of Mandamus. (CA-00-20-3)

Submitted: July 13, 2000

Decided: July 25, 2000

Before WIDENER, LUTTIG, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Nathaniel Smith Thurston, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Nathaniel Smith Thurston, Jr., petitions for a writ of mandamus alleging undue delay by the district court in ruling on his pending 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000) petition. A writ of mandamus is a drastic remedy and should be granted only in those extraordinary situations when no other remedy is available. See In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Because there has been recent significant action in the district court case, including the filing of the magistrate judge's report and recommendation and objections thereto, we find that Thurston is not entitled to the relief he seeks. Accordingly, although we grant leave to proceed in forma pauperis, we deny mandamus relief. 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