

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6879**

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In Re: DONALD L. SPENCER,

Petitioner.

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On Petition for Writ of Mandamus. (CA-97-509-3)

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Submitted: October 17, 2000

Decided: October 26, 2000

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Before LUTTIG and WILLIAMS, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Donald L. Spencer, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In June 1997, Donald L. Spencer filed a 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000) petition. The district court dismissed the petition as untimely, and this Court affirmed. Asserting that these decisions were erroneous, Spencer now petitions this Court to issue a writ of mandamus compelling the district court to consider his § 2254 petition. In light of this Court's mandate, however, the respondent court was under no "clear duty" to review Spencer's § 2254 claims. Estate of Michael v. Lullo, 173 F.3d 503, 512-13 (4th Cir. 1999). Furthermore, Spencer has not established a lack of alternative remedies; specifically, he may be able to obtain relief by filing a 28 U.S.C. § 2241 (1994) petition in the district in which he is confined. See In re Jones, \_\_\_ F.3d \_\_\_, 2000 WL 994319, at \*4 (4th Cir. July 18, 2000). Accordingly, Spencer fails to demonstrate that he is entitled to mandamus relief. See Michael, 173 F.3d at 512-13. We therefore 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