

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6782

In Re: GEORGE SAMUEL GREEN, JR.,

Petitioner.

On Petition for Writ of Mandamus. (CA-99-2063-2)

Submitted: September 6, 2001 Decided: September 13, 2001

Before WIDENER, WILLIAMS, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

George Samuel Green, Jr., Petitioner pro se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

George Samuel Green petitions this court for a writ of mandamus overturning the Supreme Court of Virginia's decision dismissing his habeas petition. We find that mandamus relief is not warranted. Mandamus is a drastic remedy, only to be granted in extraordinary circumstances. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). The party seeking mandamus relief has the heavy burden of showing that he has no other adequate avenues of relief and that his right to the relief sought is clear and indisputable. Mallard v. United States Dist. Court, 490 U.S. 296, 309 (1989). Assuming he meets the procedural prerequisites, Green may challenge his underlying conviction by way of federal habeas review. Further, he presents no evidence to support his contentions of judicial bias. Therefore, because there are other adequate means to attain relief and because Green has failed to support his claim, his right to mandamus relief is not clear and indisputable. See United States ex rel. Rahman v. Oncology Assoc. P.C., 198 F.3d 502, 511 (4th Cir. 1999). Accordingly, we deny permission to proceed in forma pauperis and deny the 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 DENIED