

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7210

In Re: FLEMING MACON PLEASANTS,

Petitioner.

On Petition for Writ of Mandamus.
(CA-98-917-5-F, CR-96-21-F)

Submitted: November 8, 2001

Decided: November 16, 2001

Before WILKINS, MICHAEL, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Fleming Macon Pleasants, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Fleming Pleasants filed a petition for a writ of mandamus seeking an order compelling the district court to rule on his 28 U.S.C.A. § 2255 (West Supp. 2001) motion. We deny the petition.

A writ of mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976) (writ of mandamus). Relief under this writ is only available when there are no other means by which the relief sought could be granted. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). The party seeking relief carries the heavy burden of showing that he has "no other adequate means to attain the relief he desires" and that his right to such relief is "clear and indisputable." See Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Pleasants has not made such a showing. Accordingly, we deny his petition for a writ of mandamus. Pleasants' motion to proceed in forma pauperis is granted. 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