

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6850**

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In Re: PATRICK ANTHONY MENILLO,

Petitioner.

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On Petition for Writ of Mandamus. (CA-01-444-3)

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Submitted: June 13, 2002

Decided: July 15, 2002

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Before NIEMEYER, TRAXLER, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Patrick Anthony Menillo, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Patrick Anthony Menillo has filed a petition for a writ of mandamus in this court to compel the district court to expedite its consideration of his petition filed under 28 U.S.C. § 2241 (1994). The granting of a writ of mandamus is a drastic remedy to be used in extraordinary circumstances. In re Beard, 811 F.2d 818, 826-27 (4th Cir. 1987). A petitioner must show that he has a clear right to the relief sought, that the respondent has a clear duty to perform the act requested by petitioner, and that there is no other adequate remedy available. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Menillo has failed to make the requisite showing of extraordinary circumstances justifying mandamus relief. Our review of the district court docket sheet discloses that there has been no undue delay in considering Menillo's § 2241 petition. Accordingly, we deny his petition for a 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