

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6942

In Re: ARTHUR LEE GOODEN, II,

Petitioner.

On Petition for Writ of Mandamus. (CA-01-666-7)

Submitted: August 9, 2002

Decided: August 30, 2002

Before WILKINS, LUTTIG, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Arthur Lee Gooden, II, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Arthur Lee Gooden 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. § 2254 (2000). 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). Gooden 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 Gooden's § 2254 petition. Accordingly, although we grant leave to proceed in forma pauperis, 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