

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6959

In Re: HELFRIED E. SARTORI,

Petitioner.

On Petition for Writ of Mandamus. (CA-01-573-AM)

Submitted: July 25, 2002

Decided: August 2, 2002

Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Helfried E. Sartori, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Helfried E. Sartori, a Virginia inmate convicted of practicing medicine without a license, petitions this Court for a writ of mandamus directing rescission of this Court's order dismissing Sartori's appeal from the denial of his 28 U.S.C.A. § 2254 (West 1994 & Supp. 2002) habeas corpus petition. However, mandamus is a drastic remedy to be used in extraordinary circumstances, In re Beard, 811 F.2d 818, 826-27 (4th Cir. 1987), requiring Sartori to demonstrate 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, see In re First Fed. Sav. & Loan Assn, 860 F.2d 135, 138 (4th Cir. 1988). Having reviewed Sartori's petition for mandamus relief, we find Sartori is not entitled to the relief he seeks. Accordingly, although we grant Sartori's motion 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