

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7398

In Re: FRANK ROLLINS,

Petitioner.

On Petition for Writ of Mandamus. (CA-03-3945-18-2)

Submitted: October 24, 2003

Decided: December 3, 2003

Before NIEMEYER and MICHAEL, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Frank Rollins, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Frank Rollins petitions for a writ of mandamus, asking this Court to direct the district court to rule on his 28 U.S.C. § 2255 (2000) motion and related motions. Mandamus is a drastic remedy to be used only in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Rollins' petition does not set forth exceptional circumstances as would warrant the issuance of a writ of mandamus at this time. Accordingly, although we grant Rollins' motion to proceed in forma pauperis, we deny his petition for a writ of mandamus without prejudice to his ability to refile for mandamus relief if the district court does not act expeditiously. We dispense with oral argument because the facts and legal contentions are adequately presented before the district court and argument would not aid the decisional process.

PETITION DENIED