

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2103

In Re: WILLIAM D. GOLDEN,

Petitioner.

On Petition for Writ of Mandamus. (CA-98-135-1)

Submitted: November 18, 2004 Decided: November 23, 2004

Before LUTTIG and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

William D. Golden, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

William D. Golden has filed a petition for writ of mandamus requesting that the court invalidate an agreement entered into by him and the Government in the district court in a settlement of his 28 U.S.C. § 2255 (2000) motion. Golden asserts that the terms of the agreement are invalid and, therefore, the agreement should be vacated and an evidentiary hearing reinstated. Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Courts are extremely reluctant to grant a writ of mandamus. In re Beard, 811 F.2d 818, 827 (4th Cir. 1987). Mandamus relief is available only when the petitioner has a clear and indisputable right to the relief sought and there are no other adequate means for obtaining the relief. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980); Beard, 811 F.2d at 826.

We find that Golden has not made a sufficient showing that he has a clear and indisputable right to vacate the agreement and reinstate the evidentiary hearing or that there is no other adequate means of obtaining the relief. We, therefore, deny the petition. We deny Golden's motion to dismiss the petition without prejudice. 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