

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7428

In Re: CECIL EDWARD JACKSON,

Petitioner.

On Petition for Writ of Mandamus. (CA-97-261)

Submitted: December 17, 2004

Decided: January 5, 2005

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

Petition denied by unpublished per curiam opinion.

Cecil Edward Jackson, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Cecil Edward Jackson petitions this court for a writ of mandamus to compel the district court to act on his motion filed under Fed. R. Civ. P. 60(b) on February 23, 2004. Mandamus is a drastic remedy, to be granted only in extraordinary circumstances. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). We find there has been no undue delay by the district court. We therefore deny Jackson's petition for writ of mandamus without prejudice to his right to refile if the district court fails to act expeditiously on his Rule 60(b) motion. While we grant leave to proceed in forma pauperis, 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