

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-6649**

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In Re: ARTHUR BILLY COLEMAN,

Petitioner.

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On Petition for Writ of Mandamus.  
(CR-04-3499-M)

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Submitted: July 27, 2005

Decided: August 30, 2005

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Before KING, GREGORY, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Arthur Billy Coleman, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Arthur Billy Coleman petitions for writ of mandamus. He seeks an order directing the district court to adjudicate his pending motion for leave to appeal out of time.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re First Fed. Sav. & Loan Assn., 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

Because there are no pending motions in Coleman's criminal or habeas corpus cases, the petition for writ of mandamus is moot. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We deny Coleman's motions for stay and bail pending appeal, to expedite the appeal, and to raise a jurisdictional defect and reverse his conviction. 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