

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7108

In Re: MOHAMMAD ZINDADIL,

Petitioner.

On Petition for Writ of Mandamus
(No. 1:01-cr-00190)

Submitted: September 26, 2006

Decided: October 3, 2006

Before WIDENER and WILKINSON, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Mohammad Zindadil, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mohammad Zindadil petitions for a writ of mandamus seeking an order requiring the Government to file a Fed. R. Crim. P. 35 motion. We conclude that Zindadil is not entitled to mandamus relief. Mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). The party seeking mandamus relief must show that he has no other means of obtaining the requested relief. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980).

The relief sought by Zindadil is not available by way of mandamus. Accordingly, we deny the petition for 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