

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-7341**

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In Re: JULIAN EDWARD ROCHESTER,

Petitioner.

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On Petition for Writ of Mandamus.  
(2:97-cv-03924-HMH)

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Submitted: December 7, 2007

Decided: December 27, 2007

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Before NIEMEYER, MOTZ, and KING, Circuit Judges.

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Petition dismissed by unpublished per curiam opinion.

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Julian Edward Rochester, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Julian Rochester, a South Carolina inmate, petitions this court for a writ of mandamus seeking an order directing the district court to rule on outstanding motions to reopen in three of Rochester's cases. Additionally, Rochester seeks recusal of various district court and Fourth Circuit judges.

Rochester mistakenly believes that there are outstanding motions in any of the three cases. In Rochester v. South Carolina Dep't of Corrections, No. 2:97-cv-03924-HMH (D.S.C.), the district court denied Rochester's motion to reopen by order entered on October 26, 2004. In Rochester v. South Carolina Dep't of Corrections, No. 2:98-00146-WBT (D.S.C.), the district court denied Rochester's motion to reopen by order entered on September 10, 2003. Finally, there is no record in the district court of Rochester's having filed any motion to reopen in Rochester v. USA, No. 2:03-cv-01736-HMH (D.S.C.). Rochester therefore is not entitled to mandamus relief with respect to the allegedly outstanding motions.

We note that Rochester failed to allege with any particularity the extrajudicial bias necessary to warrant recusal of any judge. See In re Beard, 811 F.2d 818, 827 (4th Cir. 1987). Accordingly, he is not entitled to the relief sought.

Because Rochester is not entitled to the extraordinary remedy of mandamus, see Kerr v. United States Dist. Court, 426 U.S.

394, 402 (1976), we deny the motion for leave to proceed in forma pauperis and dismiss the mandamus petition. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before us and argument would not aid the decisional process.

PETITION DISMISSED