

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7388

In Re: TYRONE LORENZO ROBINSON,

Petitioner.

On Petition for Writ of Mandamus. (2:05-cv-03198-SB)

Submitted: November 15, 2007

Decided: November 27, 2007

Before WILLIAMS, Chief Judge, and MOTZ and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Tyrone Lorenzo Robinson, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tyrone Lorenzo Robinson petitions for a writ of mandamus seeking an order directing the district court to schedule a trial date in his action filed pursuant to 42 U.S.C. § 1983 (2000). We conclude that Robinson 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 relief sought by Robinson is not available by way of mandamus and, to the extent Robinson alleges undue delay by the district court, we find there has been no undue delay in the handling of Robinson's case on remand. Accordingly, although we grant Robinson's motion to proceed in forma pauperis, we deny the petition for a 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