

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-1738**

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In Re: REGGIE LAMAR KELLEY,  
  
Petitioner.

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On Petition for Writ of Mandamus. (3:04-cr-00998-CMC-1)

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Submitted: November 16, 2009                      Decided: December 11, 2009

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

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Petition denied by unpublished per curiam opinion.

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Reggie Lamar Kelley, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reggie Lamar Kelley, convicted and sentenced to 360 months in prison for possession of a firearm in furtherance of a drug trafficking offense, in violation of 18 U.S.C. § 924(c)(1) (2006), has petitioned this court for a writ of mandamus. In his petition, Kelley asks this court to vacate his sentence and remand his matter for resentencing because he alleges that the district court erroneously sentenced him as a career offender. To obtain mandamus relief, a petitioner must show that:

(1) he has a clear and indisputable right to the relief sought; (2) the responding party has a clear duty to do the specific act requested; (3) the act requested is an official act or duty; (4) there are no other adequate means to attain the relief he desires; and (5) the issuance of the writ will effect right and justice in the circumstances.

In re Braxton, 258 F.3d 250, 261 (4th Cir. 2001) (internal quotation marks and citation omitted). We have considered Kelley's petition and find that Kelley does not meet the exacting requirements necessary for the issuance of a writ of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the mandamus petition. 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