

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-1962**

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In Re: STANLEY LORENZO WILLIAMS,  
  
Petitioner.

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On Petition for Writ of Mandamus. (1:03-cv-00299-TDS-WWD)

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Submitted: October 19, 2009                      Decided: October 29, 2009

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Before MICHAEL, KING, and GREGORY, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Stanley Lorenzo Williams, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stanley Lorenzo Williams filed a petition for writ of mandamus seeking an order compelling the district court to act on his motion to recall the judgment filed on September 7, 2004, in Williams' 28 U.S.C. § 2254 (2006) action. We conclude that Williams' mandamus petition is moot.

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 be used only 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). Williams asserts that he is entitled to mandamus relief due to the district court's failure to act on his motion to recall the judgment. However, the magistrate judge denied the motion in an oral order entered on October 15, 2009. Thus, the mandamus petition is moot because Williams has already obtained the relief he seeks. Accordingly, although we grant leave to proceed in forma pauperis, we deny Williams' motions to expedite and deny his 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