

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1550

In re: TRAVIS DENORRIS ARNOLD,

Petitioner.

On Petition for a Writ of Mandamus.
(1:08-cr-00322-TDS-1; 1:10-cv-00892-TDS-JEP)

Submitted: June 14, 2012

Decided: June 19, 2012

Before WILKINSON, NIEMEYER, and KEENAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Travis Denorris Arnold, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Travis Denorris Arnold petitions for a writ of mandamus, alleging that the district court has unduly delayed ruling on his objections to the magistrate judge's recommendation to dismiss his 28 U.S.C.A. § 2255 (West Supp. 2011) motion. Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Mandamus relief is available only when there are no other means by which the relief sought could be granted, and should not be used as a substitute for appeal. Moussaoui, 333 F.3d at 517. The party seeking mandamus relief bears the heavy burden of showing he has no other adequate means to obtain the relief sought and that his entitlement to relief is clear and indisputable. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980).

Our review of the district court's docket reveals that, on March 19, 2012, the magistrate judge granted Arnold permission to file his objections to the report and recommendation. Because we do not deem mandamus relief warranted in these circumstances, we deny Arnold's petition, although we grant his pending motion to proceed in forma pauperis. 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