

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1568

In re: DAREN KAREEM GADSDEN,

Petitioner.

On Petition for Writ of Mandamus.
(1:11-cr-00302-WDQ-3)

Submitted: August 20, 2015

Decided: August 24, 2015

Before DUNCAN, KEENAN, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Daren Kareem Gadsden, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daren Kareem Gadsden has petitioned this court for a writ of mandamus. In his petition, Gadsden asks this court to: (1) order the district court to act on his motion asking the district court to assess its subject matter jurisdiction over his criminal case; and (2) rule on the merits of his motion for a judgment of acquittal. Gadsden's petition also asks that we direct the district court to dismiss the criminal matter against him. Gadsden has moved to proceed in forma pauperis.

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) (citation and internal quotation marks omitted). We have considered Gadsden's petition and conclude that Gadsden is not entitled to mandamus relief. Accordingly, although we grant Gadsden's motion for 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 this court and argument would not aid the decisional process.

PETITION DENIED