

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

In Re: RONALD A. WILSON,

No. 95-8099

Petitioner.

In Re: RONALD A. WILSON,

No. 95-8101

Petitioner.

On Petitions for Writ of Mandamus.  
(CA-94-824; CA-95-2083-L)

Submitted: December 29, 1995

Decided: May 22, 1996

Before WILKINSON, Chief Judge, WIDENER and  
MURNAGHAN, Circuit Judges.

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Petitions denied by unpublished per curiam opinion.

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**COUNSEL**

Ronald A. Wilson, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit. See  
Local Rule 36(c).

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## OPINION

### PER CURIAM:

In these consolidated cases, Ronald A. Wilson petitions this court for mandamus relief in two cases in the district court. In No. 95-8099, Wilson complains that there has been excessive delay in resolving his habeas corpus petition, 28 U.S.C. § 2254 (1988), and that his motions for appointment of counsel have been denied. He also alleges that the district court judge hearing the case is biased against him because Wilson has filed two other mandamus petitions involving the judge and because two of Wilson's cases involve conflicting defenses. Case No. 95-8101 stems from a 42 U.S.C. § 1983 (1988) action Wilson filed in the district court. He asks that this court order the district court to grant no further extensions of time to Defendant and that a new district judge be assigned to the case.

Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court for N. Dist., 426 U.S. 394, 402 (1976). The writ is not available as a substitute for an appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). Petitioner bears the heavy burden of showing that he has no other means of obtaining relief and that his right to such relief is clear and indisputable. First Fed. Sav. & Loan Ass'n v. Baker (In re First Fed. Sav. & Loan Ass'n), 860 F.2d 135, 138 (4th Cir. 1988).

In No. 95-8099, the magistrate judge issued a report and recommendation on October 6, 1995. Thus, there is no inordinate delay. Wilson may obtain review of the district court's refusal to appoint counsel on appeal. Therefore, he has not shown that he has no other adequate means of relief. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Wilson's conclusory allegations of judicial bias do not sufficiently allege a personal bias which would prevent the district judge from rendering an impartial decision. Id. at 827.

In No. 95-8101, the case was reassigned to another district judge, and judgment has been rendered. Thus, Wilson's complaints are moot. We grant Wilson leave to proceed in forma pauperis and deny his petitions 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.

PETITIONS DENIED