

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 95-8100**

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In Re: GARY HOWARD WILLIAMS,

Petitioner,

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On Petition for Writ of Mandamus.  
(CA-94-69-5-MU, CR-91-15)

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Submitted: February 27, 1996

Decided: March 19, 1996

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Before LUTTIG and WILLIAMS, Circuit Judges, and PHILLIPS, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Gary Howard Williams, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Petitioner has filed a petition for a writ of mandamus in this court to order the district court to expedite action on petitioner's 28 U.S.C. § 2255 (1988) 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). We find that the delay in this case is not unreasonable. Thus, we deny the petition. This denial is without prejudice to petitioner's right to refile if the district court does not act on the motion within a reasonable time. 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