

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-546**

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In Re: NATHANIEL HOOVER,

Petitioner.

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On Petition for Writ of Mandamus. (CA-95-337-3-MU)

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Submitted: November 7, 1996

Decided: November 18, 1996

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Before RUSSELL and WIDENER, Circuit Judges, and PHILLIPS, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Nathaniel Hoover, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Nathaniel Hoover filed a petition for a writ of mandamus alleging that the district court unduly delayed acting on his motion under 28 U.S.C. § 2255 (1994), amended by Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214. Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976).

Our review of the record reveals that the delay in Hoover's action is attributable in part to Hoover's filing of an interlocutory appeal, and in part to a pending action for which Hoover's § 2255 has been stayed. The delay in the district court is not unreasonable under these circumstances. Accordingly, although we grant leave to proceed in forma pauperis, we deny mandamus relief. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

PETITION DENIED