

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7488

In Re: ALVIN JUSTIN "BUDDY" HUGGINS,

Petitioner.

On Petition for Writ of Mandamus.
(CA-97-152-4-H, CA-97-32-4-H, CR-95-51)

Submitted: December 16, 1997

Decided: January 9, 1998

Before HAMILTON, WILLIAMS, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Alvin Justin "Buddy" Huggins, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Alvin Justin "Buddy" Huggins filed this petition for a writ of mandamus seeking to compel the district court to review his motion challenging his conviction under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1997). The district court declined to address Huggins' § 2255 motion prior to the resolution of his direct appeal which is still pending in this court. To obtain mandamus relief, a petitioner bears the heavy burden of showing that he has no other adequate avenues of relief and that his right to the relief sought is clear and indisputable. Mallard v. United States Dist. Court, 490 U.S. 296, 308-09 (1989). Huggins alleges that his inability to obtain adequate trial transcripts has precluded him from perfecting a direct appeal of his conviction. We find that Huggins has adequate procedures available to him in the appellate process to address the alleged inadequacies of the transcripts of his trial. See Fed. R. App. P. 10(c); United States v. Wilson, 16 F.3d 1027, 1031 (9th Cir. 1994). Accordingly, we deny the mandamus petition. 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