

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4882

In Re: ALVIN JERONES PURDIE, JR.,

Petitioner.

On Petition for Writ of Mandamus. (CR-94-46)

Submitted: January 21, 1999

Decided: February 5, 1999

Before LUTTIG, MOTZ, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Alvin Jerones Purdie, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Alvin Jerones Purdie, Jr., filed this petition for a writ of mandamus seeking reversal of his drug and firearm convictions based on a delay in the appellate process stemming from his inability to obtain transcripts of his jury trial. 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). Purdie alleges that his inability to obtain adequate trial transcripts has precluded him from perfecting a direct appeal of his conviction in violation of his due process rights. Despite the extensive delays that have accompanied his appeal, a briefing order will be set in the near future that will provide Purdie the opportunity to present his appeal to this court. Through the appellate process Purdie may present his concerns. See Fed. R. App. P. 10(c); United States v. Wilson, 16 F.3d 1027, 1031 (9th Cir. 1994). Accordingly, although we grant Purdie's motion 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 the court and argument would not aid the decisional process.

PETITION DENIED