

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-7225**

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In Re: CHAUNCEY ALEXANDER HOLLIS,

Petitioner.

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On Petition for Writ of Mandamus. (CR-91-116)

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Submitted: December 13, 2000

Decided: January 18, 2001

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Before LUTTIG and MICHAEL, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Chauncey Alexander Hollis, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Chauncey Alexander Hollis filed a petition for writ of mandamus seeking an order directing the district court to act on his motion filed under Fed. R. Civ. P. 60(b). The motion has been pending in the district court without action since February 12, 1999, and Hollis contends that the delay in the district court has been unduly excessive. In its response to the mandamus petition, the Government stated that Hollis has not been prejudiced by the delay because the motion is meritless.

Mandamus is a drastic remedy to be used only in extraordinary circumstances. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987) (citing Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976)). We decline to exercise our supervisory power to take the extraordinary action of issuing a writ of mandamus in this case. However, the district court is now on notice of Hollis' claim that the delay in acting on the motion has been excessive, and we trust that the district court will act on the motion expediently. Therefore, although we grant Hollis leave to proceed in forma pauperis, we deny the petition for writ of mandamus without prejudice to Hollis' right to file another mandamus petition if the district court does not act on the motion within ninety (90) days after the date of this opinion. We also deny Hollis' motion for default judgment and 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