

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6539

In Re: GARY DEAN BOONE,

Petitioner.

On Petition for Writ of Mandamus. (CR-97-733)

Submitted: April 15, 2002

Decided: April 29, 2002

Before WIDENER, LUTTIG, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Gary Dean Boone, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Gary Dean Boone has filed a petition for a writ of mandamus in this court to compel the district court to consider his motions to have a sentence corrected and reduced. The granting of a writ of mandamus is a drastic remedy to be used in extraordinary circumstances. In re Beard, 811 F.2d 818, 826-27 (4th Cir. 1987). A petitioner must show that he has a clear right to the relief sought, that the respondent has a clear duty to perform the act requested by petitioner, and that there is no other adequate remedy available. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Boone has failed to make the requisite showing for such extraordinary relief. Our review of the district court docket sheet discloses that there has been no undue delay in considering the motions. Although we grant Boone's motion to proceed in forma pauperis, we deny his petition for a writ of mandamus. 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