

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-2302**

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In Re: WILLIAM D. MORRIS,  
  
Petitioner.

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On Petition for Writ of Mandamus. (0:05-cr-00056-MBS-1)

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Submitted: March 29, 2010

Decided: April 15, 2010

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Before WILKINSON, SHEDD, and AGEE, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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William D. Morris, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William D. Morris, convicted and sentenced to eighty-four months in prison in the District Court for the Southern District of Georgia after pleading guilty pursuant to a plea agreement to one count each of wire, mail and bank fraud, in violation of 18 U.S.C. §§ 1341, 1343-44 (2000), has petitioned this court for a writ of mandamus. In his petition, Morris asks, among other things, that this court direct the Government to file a Fed. R. Crim. P. 35 motion for sentence reduction on his behalf.

To obtain mandamus relief, a petitioner must show that:

(1) he has a clear and indisputable right to the relief sought; (2) the responding party has a clear duty to do the specific act requested; (3) the act requested is an official act or duty; (4) there are no other adequate means to attain the relief he desires; and (5) the issuance of the writ will effect right and justice in the circumstances.

In re Braxton, 258 F.3d 250, 261 (4th Cir. 2001) (internal quotation marks and citation omitted). We have considered Morris's petition and find that he is not entitled to mandamus relief. Accordingly, although we grant leave 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