

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-560

In Re: GUY T. LEGRANDE,

Petitioner.

On Petition for Writ of Mandamus. (CA-96-940-4)

Submitted: May 29, 1997

Decided: June 6, 1997

Before NIEMEYER, LUTTIG, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Guy T. LeGrande, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Guy T. LeGrande brought this mandamus petition seeking an order directing the district court to render a decision on his petition filed pursuant to 28 U.S.C.A. § 2254 (West 1994 & Supp. 1997). LeGrande also complains that the district court granted the North Carolina Attorney General an extension to file an answer and that the Attorney General filed a frivolous answer and motion for summary judgment. Because we find that the delay to date has not been excessive and because mandamus relief cannot be used as a substitute for appeal, In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979), we deny mandamus relief.

Additionally, because this mandamus petition presents no substantial or complex issues, we deny LeGrande's motion to authorize preparation of a transcript at government expense. Because mandamus relief cannot be used as a substitute for appeal, we deny his Motion for Federal Protection from Possible Imminent Danger and his Motion for Hearing, Settlement, and Conclusion. We also deny LeGrande's Motion for Penalty Payment to be Garnished for all Court Costs and his Motion to Dismiss Appeal Pending in North Carolina Supreme Court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not significantly aid in the decisional process.

PETITION DENIED