

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7737

In Re: CARLOS DUKE,

Petitioner.

On Petition for Writ of Mandamus. (CR-90-389)

Submitted: January 29, 1999

Decided: March 19, 1999

Before WIDENER, NIEMEYER, and WILLIAMS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Carlos Duke, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Carlos Duke filed this petition for a writ of mandamus asking this court to compel the district court to "produce a statement of opinion." The granting of a writ of mandamus is a drastic remedy to be used in extraordinary circumstances. See In re Beard, 811 F.2d 818, 826 (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. See In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Duke has failed to make the requisite showing for such extraordinary relief; the appropriate vehicle for challenging the district court's decision is an appeal. See In re United Steelworkers, 595 F.2d 58, 60 (4th Cir. 1979). Accordingly, although we grant leave 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