

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6174**

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In Re: JERMAL DANIELS,

Petitioner.

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On Petition for Writ of Mandamus.  
(CR-89-186, CA-98-259-2)

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Submitted: April 29, 1999

Decided: May 5, 1999

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Before WILLIAMS, TRAXLER, and KING,\* Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Jermal Daniels, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

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\* Judge King did not participate in consideration of this case. The opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Jermal Daniels filed this petition for a writ of mandamus asking this court to restore his right to file a direct appeal of his 1990 conviction and sentence for possession with intent to distribute cocaine. 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). Daniels exercised his right to appeal his 1990 sentence, see United States v. Daniels, 929 F.2d 128 (4th Cir. 1991), and thus has already been afforded the relief he now seeks. Accordingly, although we grant Daniels 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