

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6938

In Re: JAMES L. PADGETT, JR.,

Petitioner.

On Petition for Writ of Mandamus. (CA-99-73-6)

Submitted: September 9, 1999 Decided: September 15, 1999

Before ERVIN, WILKINS, and HAMILTON, Circuit Judges.

Petition denied by unpublished per curiam opinion.

James L. Padgett, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James L. Padgett, Jr., petitions for a writ of mandamus alleging undue district court delay in ruling on his pending 28 U.S.C.A. § 2254 (West 1994 & Supp. 1999) petition. Accordingly, Padgett seeks an order from this court directing the District Court for the District of South Carolina to consider his § 2254 petition. The writ of mandamus is a drastic remedy and should be granted only in those extraordinary situations when no other remedy is available. See In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Because there has been recent significant action in the district court case, including the filing of the magistrate judge's report and recommendation and Padgett's objections thereto, we find that Padgett is not entitled to the relief he seeks. Accordingly, although we grant leave to proceed in forma pauperis, we deny mandamus relief. 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