

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7445

In Re: CHRISTOPHER W. GANNON,

Petitioner.

On Petition for Writ of Mandamus. (CA-99-60)

Submitted: February 24, 2000

Decided: March 3, 2000

Before MOTZ and KING, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Christopher W. Gannon, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Christopher W. Gannon has filed a request for this Court to expedite the district court's review of his 28 U.S.C.A. § 2254 (West Supp. 1999) petition. We construe Gannon's request as a petition for a writ of mandamus and deny it. The district court has recently ordered the Respondents to answer Gannon's petition. Therefore, we find no undue delay.

Mandamus is a drastic remedy to be used only in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Mandamus relief is only available when there are no other means by which the relief sought could be granted. See In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). The party seeking mandamus relief carries the heavy burden of showing that he has no other adequate means to attain the relief he desires and that his entitlement to such relief is clear and indisputable. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Gannon has not made such a showing. Accordingly, while we grant Gannon leave to proceed in forma pauperis, we deny Gannon's petition for 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