

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1607

In re: ANTHONY GENE TRAPPIER,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the District of South Carolina, at Florence. (4:09-cr-00340-TLW-1)

Submitted: August 24, 2023

Decided: August 28, 2023

Before QUATTLEBAUM and HEYTENS, Circuit Judges, and MOTZ, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Anthony Gene Trappier, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Gene Trappier petitions for a writ of mandamus alleging that the district court has unduly delayed in ruling on his motion for compassionate release. He seeks an order from this court directing the district court to act.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004); *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018). Mandamus relief is available only when there are no other means by which the relief sought could be granted and when the petitioner “show[s] that his right to issuance of the writ is clear and indisputable.” *United States v. Moussaoui*, 333 F.3d 509, 517 (4th Cir. 2003) (cleaned up); *see Cheney*, 542 U.S. at 380-81. Unreasonable delay in the district court may be cause for mandamus relief. *In re United States ex rel. Drummond*, 886 F.3d 448, 450 (5th Cir. 2018) (collecting cases); *cf. Will v. Calvert Fire Ins. Co.*, 437 U.S. 655, 661-62 (1978) (“There can be no doubt that, where a district court persistently and without reason refuses to adjudicate a case properly before it, the court of appeals may issue the writ.”).

We conclude that the present record does not reveal undue delay by the district court so as to render any delay unreasonable. Accordingly, we deny the mandamus petition.* We dispense with oral argument because the facts and legal contentions are adequately

* While we deny mandamus relief, we encourage the district court to act as expeditiously as possible in this matter.

presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED