

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1131

In Re: CHARLES M. CASSELL, III,

Petitioner.

On Petition for Writ of Mandamus. (5:06-ct-03025-BO)

Submitted: February 20, 2009

Decided: March 11, 2009

Before NIEMEYER, TRAXLER, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Charles M. Cassell, III, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Cassell petitions for a writ of mandamus, seeking an order directing the superintendent of Maury Correctional Institution to provide him with legal supplies, including paper. Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 404 (1974); In re: Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus relief is available only when the petitioner has a clear right to the relief sought. In re: First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). A mandamus petitioner must show that he has a clear right to the relief sought, that the respondent has a clear duty to perform the particular act requested, and that the plaintiff has no other adequate remedy. Id.

We conclude that Cassell has not made the required showing. Accordingly, while we grant leave to proceed in forma pauperis, we deny the petition for 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