

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1741

In re: LESTER JON RUSTON

Petitioner.

On Petition for Writ of Mandamus.
(No. 5:12-hc-02090-B0)

Submitted: August 16, 2012

Decided: August 20, 2012

Before KING and THACKER, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Lester Jon Ruston, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lester Ruston petitions for a writ of mandamus seeking an order preventing Attorney General Eric Holder and others from allegedly depriving Ruston of due process and committing various inappropriate or illegal acts against him. He also seeks an order preventing future proceedings pursuant to 18 U.S.C. § 4243 (2006). Ruston further alleges that the district court has unduly delayed in acting on his 28 U.S.C.A. § 2241 (West 2006 & Supp. 2012) petition and seeks an order requiring the court's response. We conclude that Ruston is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, 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).

With regard to Ruston's claims related to due process, inappropriate or illegal activities, and future competency proceedings, we conclude that Ruston has not established entitlement to mandamus relief. Although cognizant of the requirements of 28 U.S.C. § 2243 (2006), we further conclude that there has been no undue delay in the district court.

Accordingly, although we grant leave to proceed in forma pauperis, we deny the mandamus petition. 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