

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

In re: Deandre Johnson

In re Johnson · No. No. 21-1342 · Decided May 28, 2021

OPINION

PER CURIAM.

UNPUBLISHED UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT No. 21-1342 In re: DEANDRE JOHNSON, Petitioner. On Petition for Writ of Mandamus. (2:21-cv-00120-RAJ) Submitted: May 25, 2021 Decided: May 28, 2021 Before DIAZ and QUATTLEBAUM, Circuit Judges, and SHEDD, Senior Circuit Judge. Petition denied by unpublished per curiam opinion. Deandre Johnson, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit. PER CURIAM: Deandre Johnson petitions for a writ of mandamus, alleging that the district court has unduly delayed in ruling on his 28 U.S.C. § 2254 petition. He seeks an order from this court directing the district court to grant habeas relief. 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). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. Murphy-Brown, 907 F.3d at 795.

The relief sought by Johnson is not available by way of mandamus. The present record does not reveal undue delay in the district court. Moreover, insofar as Johnson seeks an order directing the district court to grant substantive relief, Johnson has not demonstrated a clear right to such relief.

Accordingly, we deny the mandamus petition. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process. PETITION DENIED 2