UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7499

In Re: JAMES WILLIAM BERRY, SR.,

Petitioner.

On Petition for Writ of Mandamus.
(CA-01-873, CA-00-604, CA-02-856)

Submitted: December 19, 2002 Decided: January 6, 2003

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

Petition denied by unpublished per curiam opinion.

James William Berry, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James William Berry, Sr., filed a petition for a writ of mandamus alleging violations of his rights in relation to several civil rights actions and his habeas corpus action. He requests this court to assume jurisdiction over his cases, to order an investigation, and to correct the alleged errors.

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 right to such relief is "clear and indisputable." Allied Chemical Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

Because Berry has other means by which to challenge the district court's rulings and the alleged violations of his rights, mandamus relief is not available. See In re Beard, 811 F.2d 818, 126 (4th Cir. 1987). To the extent that Berry alleges an undue delay by the district court in acting in his habeas corpus action, we find no undue delay. Accordingly, although 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