

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-7277**

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In Re: KRISTOPHER S. KOLLYNS,

Petitioner.

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On Petition for Writ of Mandamus. (CA-99-2880-3)

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Submitted: December 21, 2000

Decided: January 8, 2001

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Before MOTZ, TRAXLER, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Kristopher S. Kollyns, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kristopher S. Kollyns has filed a petition for writ of mandamus in this court seeking the recusal of the district court judge in an action filed in state court and removed to federal district court. Although mandamus is a proper avenue to seek judicial recusal, In re Beard, 811 F.2d 818, 826-27 (4th Cir. 1987), mandamus relief is not warranted in this case because the case has now been remanded to state court and is no longer pending before the judge in question. Accordingly, although we grant leave to proceed in forma pauperis, we deny mandamus relief. 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