

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-8001

In Re: JERRY WAYNE SHEPPARD,

Petitioner.

On Petition for Writ of Mandamus.
(CR-94-122-ALL)

Submitted: March 28, 2002

Decided: May 29, 2002

Before LUTTIG, WILLIAMS, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Jerry Wayne Sheppard, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jerry Wayne Sheppard has filed a petition for writ of mandamus, complaining of unreasonable delay in the district court and asking that we compel the district court to act. On June 18, 2001, Sheppard filed a motion to reconsider the denial of his motion under 28 U.S.C.A. § 2255 (West Supp. 2001). Although we find the delay is not unreasonable, we deny the petition without prejudice to Sheppard's right to refile if the district court does not act expeditiously. 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