

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-1907**

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In Re: MICHAEL CRAIG CLARK,

Petitioner.

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On Petition for Writ of Mandamus. (CA-02-40-2-BO(1))

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Submitted: September 5, 2002                      Decided: September 10, 2002

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Before MOTZ, KING, and GREGORY, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Michael Craig Clark, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Craig Clark has filed an emergency appeal contending that the district court denied his motion for a temporary restraining order. Although the district court had not yet ruled on the motion at the time Clark filed his appeal, the district court entered an order denying the motion while this action was pending. Construing Clark's action as a petition for a writ of mandamus requesting that this court order the district court to rule on the motion, we note that, in light of the district court's order, the petition is moot. Moreover, the district court's denial of a temporary restraining order is not appealable. Drudge v. McKernon, 482 F.2d 1375, 1376 (4th Cir. 1973). Accordingly, we deny the 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