

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6330**

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In Re: WILLIAM MARK JOHNSON,

Petitioner.

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On Petition for Writ of Mandamus. (CA-99-14)

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Submitted: April 22, 2002

Decided: May 1, 2002

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Before WILLIAMS, MOTZ, and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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William Mark Johnson, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

On February 22, 2002, William Mark Johnson filed a petition for a writ of mandamus asking this court to direct the district court to enter a ruling in his 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001) petition filed in November 1998 and transferred to the United States District Court for the Northern District of West Virginia on February 22, 1999. Although little action occurred in the months following the transfer of the § 2254 petition, the district court issued an order on March 13, 2002, treating the respondent's motion to dismiss as a motion for summary judgment and ordering Johnson to respond in thirty days. Because of this recent activity, we find no unreasonable delay at present. Thus, mandamus relief is not warranted. Accordingly, although we grant Johnson's motion to proceed on appeal in forma pauperis, we deny his petition for a 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