

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7421**

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In Re: JERRY WAYNE SHEPPARD,

Petitioner.

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On Petition for Writ of Mandamus.  
(CR-94-122, CA-98-747)

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Submitted: March 20, 2003

Decided: April 1, 2003

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Before LUTTIG, WILLIAMS, and GREGORY, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Jerry Wayne Sheppard, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jerry Wayne Sheppard petitions for a writ of mandamus, alleging that the district court has unduly delayed acting on his 28 U.S.C. § 2255 (2000) motion. He seeks an order from this court directing the district court to act. After Sheppard filed the instant mandamus petition, the district court ruled on his § 2255 motion. Accordingly, we deny the mandamus petition but grant Sheppard's motion to proceed in forma pauperis. 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