

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7245

In Re: DANIEL E. FELIX,

Petitioner.

On Petition for Writ of Mandamus. (CA-02-46-AM)

Submitted: January 21, 2004

Decided: February 13, 2004

Before WILKINS, Chief Judge, and MOTZ and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Daniel E. Felix, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Daniel E. Felix petitions this court for mandamus relief, alleging that the district court has unduly delayed acting on his habeas corpus petition, 28 U.S.C. § 2254 (2000). He also complains of judicial bias.

Since the filing of this petition, the district court has entered a final judgment order in the underlying case. Consequently, respondent has moved to dismiss the mandamus petition. We grant the motion to dismiss the petition as moot because the district court has completed its consideration of the habeas petition and judicial disqualification at this time would serve no purpose in furtherance of Felix's claim. Felix may, however, choose to raise the latter issue in seeking an appeal from this court.

Accordingly, we grant Respondent's motion to dismiss and deny the petition for mandamus as moot. We grant Felix leave to proceed in forma pauperis and deny his motion for injunction. 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