

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7873

In re: KELVIN ANDRE SPOTTS,

Petitioner.

On Petition for a Writ of Mandamus
(CA-00-647-3; CR-98-47)

Submitted: December 22, 2003

Decided: January 9, 2004

Before WIDENER, MICHAEL, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Kelvin Andre Spotts, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kelvin Andre Spotts petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his Fed. R. Civ. P. 60(b) motion seeking reconsideration of the district court's denial of his 28 U.S.C. § 2255 (2000) motion. He seeks an order from this court directing the district court to act. Our review of the district court's docket sheet reveals that the court denied relief on December 5, 2003. Accordingly, because the district court has recently ruled on Spotts's motion, we deny the mandamus petition as moot. We grant leave 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