

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6985

JOHN MARVIN OVERMAN, JR.

Petitioner.

On Petition for Writ of Mandamus
(CA-03-126-5-BO)

Submitted: October 14, 2004

Decided: October 20, 2004

Before MOTZ, TRAXLER, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

John Marvin Overman, Jr. Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John Marvin Overman, Jr., petitions this court for writ of mandamus. He complains of delay and of specific rulings by the district court in an action he filed there. A decision has now been rendered in the case and an appeal is pending in this court. Overman's complaint of delay, therefore, is moot. While mandamus may not be used as a substitute for appeal, In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979), Overman may pursue the remaining claims he seeks to raise on mandamus in his direct appeal. Accordingly, we deny the petition for 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