

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-7140**

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In Re: TIMOTHY B. BURNHAM,

Petitioner.

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On Petition for Writ of Mandamus.  
(CR-01-11; CA-04-210)

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Submitted: January 18, 2006

Decided: February 23, 2006

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Before NIEMEYER, LUTTIG, and WILLIAMS, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Timothy B. Burnham, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Timothy B. Burnham petitions for writ of mandamus, alleging the district court has unduly delayed acting on his motion filed pursuant to 28 U.S.C. § 2255 (2000). He seeks an order from this court directing the district court to act. Our review of the docket sheet reveals that the district court has recently denied relief on Burnham's § 2255 motion. Accordingly, because the district court has recently decided Burnham's case, 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