

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 06-6028**

---

IN RE: HENRY LEE SMELTZER,

Petitioner.

---

On Petition for Writ of Mandamus.  
(1:05-cv-00493-PTS)

---

Submitted: April 27, 2006

Decided: May 5, 2006

---

Before NIEMEYER and MOTZ, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

---

Petition denied by unpublished per curiam opinion.

---

Henry Lee Smeltzer, Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Henry Lee Smeltzer filed a petition for a writ of mandamus alleging undue delay by the district court in ruling on his 28 U.S.C. § 2254 (2000) petition. The district court ruled on the petition by order entered on January 26, 2006. Accordingly, the mandamus petition is now moot. Therefore, although we grant Smeltzer's motion to proceed in forma pauperis, we deny as moot the petition for mandamus relief. 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