

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7232

In re: DERWIN COLES,

Petitioner.

On Petition for Writ of Mandamus.
(2:04-cv-01151)

Submitted: December 21, 2006

Decided: January 3, 2007

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Derwin Coles, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derwin Coles petitions for a writ of mandamus, alleging the district court has unduly delayed acting on 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 district court denied Coles' § 2255 motion on July 20, 2006. Accordingly, because the district court has recently decided Coles' case, we deny the mandamus petition as moot. We grant Coles' motion 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