

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-6163**

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In Re: LELAND FORTNEY,

Petitioner.

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On Petition for Writ of Mandamus.  
(2:05-268-RBH-RSC)

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Submitted: May 7, 2007

Decided: June 14, 2007

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Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Leland Fortney, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leland Fortney petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C. § 2241 (2000) petition. He seeks an order from this court directing the district court to act. Our review of the district court's docket reveals that the district court issued an order adopting the magistrate judge's report and recommendations. Fortney v. Yancey, No. 2:05-cv-2168-RBH (D.S.C. Apr. 20, 2007). Accordingly, because the district court has recently decided Fortney'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