

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1264**

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In Re: REGINALD S. TUCKER,

Petitioner.

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On Petition for Writ of Mandamus.  
(1:07-cv-01150-LO-TCB)

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Submitted: May 22, 2008

Decided: May 28, 2008

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

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Petition denied by unpublished per curiam opinion.

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Reginald S. Tucker, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reginald S. Tucker petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his habeas corpus petition. He seeks an order from this court directing the district court to act. Our review of the docket sheet reveals that the district court dismissed the petition without prejudice for failure to exhaust state court remedies. Accordingly, because the district court has recently decided Tucker'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