

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1324

In Re: GERMAN MILLON,

Petitioner.

On Petition for Writ of Mandamus. (3:08-cv-00338-RJC)

Submitted: October 29, 2009 Decided: November 6, 2009

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

Petition denied by unpublished per curiam opinion.

German Millon, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

German Millon petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C. § 2255 (West Supp. 2009) motion. 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 Millon's motion in an order entered on October 7, 2009. Accordingly, because the district court has recently decided Millon'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