

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-1644**

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In Re: TERRENCE MAURICE WHITAKER,

Petitioner.

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On Petition for Writ of Mandamus. (1:08-cv-00702-TDS-DPD)

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Submitted: October 21, 2009

Decided: November 16, 2009

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Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Terrence Maurice Whitaker, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terrence Maurice Whitaker petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C. § 2254 (2006) habeas corpus petition. 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 entered a final order and judgment granting summary judgment in favor of the respondent, dismissing the petition, and denying a certificate of appealability on September 30, 2009. Accordingly, because the district court has recently decided Whitaker'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