

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-2198

In Re: BENNIE A. MACK, JR.,

Petitioner.

On Petition for Writ of Mandamus. (1:08-cv-00753-NCT-DPD)

Submitted: May 26, 2010

Decided: June 11, 2010

Before GREGORY, SHEDD, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Bennie A. Mack, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bennie A. Mack, Jr. petitions for a writ of mandamus, alleging the district court has unduly delayed acting in his civil action. He seeks an order from this court directing the district court to act. Our review of the district court's docket reveals that the court has now adopted the magistrate judge's recommendation and dismissed Mack's action without prejudice to him filing a new complaint correcting the defects cited in the recommendation. Accordingly, we deny the mandamus petition as moot. 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