

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-2343**

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IN RE: ALAN B. FABIAN,

Petitioner.

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On Petition for a Writ of Mandamus. (1:07-cr-00355-CCB-1)

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Submitted: August 25, 2011

Decided: August 30, 2011

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Before WILKINSON, KEENAN, and WYNN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Alan B. Fabian, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alan B. Fabian petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C.A. § 2255 (West Supp. 2011) motion. He seeks an order from this court directing the district court to act. Our review of the district court's docket reveals that, on July 14, 2011, the district court denied relief on Fabian's § 2255 motion. Accordingly, because the district court has recently decided Fabian'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