

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1220

In Re: TERRY JACKSON BENNETT,

Petitioner.

On Petition for Writ of Mandamus.
(3:04-cr-00315-RJC-1; 3:08-cv-00410-RJC)

Submitted: April 21, 2011

Decided: April 27, 2011

Before WILKINSON, GREGORY, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Terry Jackson Bennett, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Terry Jackson Bennett petitions for a writ of mandamus, alleging that the district court has unduly delayed acting on a Federal Rule of Civil Procedure 59 motion that he filed following the denial of his 28 U.S.C.A. § 2255 (West Supp. 2010) motion. Bennett seeks an order from this court directing the district court to act. Although we find that mandamus relief is not warranted because the delay is not unreasonable, we deny the mandamus petition without prejudice to the filing of another mandamus petition if the district court does not act seasonably. 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