

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1853

In Re: ANDRE CORBETT,

Petitioner.

On Petition for Writ of Mandamus.
(3:07-cr-00144-RJC-1; 3:10-cv-00501-RJC)

Submitted: September 29, 2011

Decided: October 20, 2011

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Andre Corbett, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andre Corbett petitions for a writ of mandamus, alleging that the district court has unduly delayed resentencing him upon remand. He seeks an order from this court directing the district court to act. Our review of the district court's docket reveals that, on August 11, 2011, the district court entered an order scheduling Corbett's resentencing to occur in September. Although the resentencing has not occurred as scheduled, the present delay appears to be the consequence of recent motions filed by Corbett and his counsel rather than inattention by the district court. Because the district court is now actively responsive to our directive to resentence Corbett, we deny the mandamus petition as moot, without prejudice to Corbett's right to again seek mandamus relief should unwarranted delay recur. 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