

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1955

In re: RANDOLPH HARRIS AUSTIN, a/k/a Randolph Harris,
a/k/a Matarbus Raynard Fewell,

Petitioner.

On Petition for a Writ of Mandamus.
(3:05-cr-00213-RJC-DCK-1; 3:11-cv-00040-RJC)

Submitted: November 2, 2012 Decided: November 8, 2012

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Randolph Harris Austin, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Randolph Harris Austin petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C.A. § 2255 (West Supp. 2012) motion. He seeks an order from this court directing the district court to act. We find the present record does not reveal undue delay in the district court. Accordingly, while we grant leave to proceed in forma pauperis, we deny the mandamus petition. We deny Austin's request to reassign his case to a different district court judge. 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