

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-615**

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In Re: JOHN RAGIN,

Petitioner.

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On Petition for Writ of Mandamus. (CA-96-72-2-23AJ)

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Submitted: August 12, 1997

Decided: August 28, 1997

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Before HALL, MICHAEL, and MOTZ, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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John Ragin, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit. See  
Local Rule 36(c).

PER CURIAM:

John Ragin petitions this court for a Writ of Mandamus granting the relief sought in his previously filed habeas corpus petition. Ragin asserts the right to this relief based on the district court's delay in ruling on his request for habeas relief. Subsequent, however, to the filing of this petition for mandamus relief, the district court issued an order dismissing Ragin's habeas action without prejudice. Therefore, to the extent that the petition before this court complains of delay in the district court, that complaint is now moot. To the extent that Ragin requests relief on the merits of his habeas petition, mandamus relief is only available if Ragin can show that no other remedy is available to him. See In re Beard, 811 F.2d 818, 827 (4th Cir. 1987). Ragin's petition asserts no reason why he could not seek review through the normal appeals process.

Accordingly, we grant leave to proceed in forma pauperis but the petition for a Writ of Mandamus is denied.

PETITION DENIED