

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-2407

In re: DONNIE WAYNE NIPPER,

Petitioner.

On Petition for Writ of Mandamus.
(1:04-cr-00434-TDS-1; 1:16-cv-00867-TDS-JEP)

Submitted: March 7, 2019

Decided: March 13, 2019

Before WILKINSON, NIEMEYER, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Donnie Wayne Nipper, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donnie Wayne Nipper petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C. § 2255 (2012) motion. He seeks an order from this court directing the district court to act. Our review of the district court's docket reveals that the district court has granted Nipper's § 2255 motion. Accordingly, because the district court has recently acted in Nipper'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 this court and argument would not aid the decisional process.

PETITION DENIED