

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-6159**

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In Re: RUSSELL LEON DOBEY,

Petitioner.

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On Petition for Writ of Mandamus.  
(CA-98-1661-6-11AK)

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Submitted: June 27, 2000

Decided: July 14, 2000

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Before WIDENER and WILLIAMS, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Petition dismissed by unpublished per curiam opinion.

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Russell Leon Dobey, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Russell L. Dobey filed a petition for a writ of mandamus seeking an order directing the district court to issue a final order in an action brought pursuant to 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000). Because there had been no significant district court action on the habeas corpus petition in over a year, we ordered a response to the petition by June 14, 2000. While there was no timely response to our order, we have learned that on May 9, 2000, the district court issued its final order granting summary judgment to the respondents. Accordingly, we now deny the motion for leave to proceed in forma pauperis and dismiss the mandamus petition as moot. 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 DISMISSED