

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6314

In Re: DONNIE ROBIN SIMPSON,

Petitioner.

On Petition for Writ of Mandamus. (CR-94-192-MU)

Submitted: June 13, 2002

Decided: June 18, 2002

Before WIDENER, LUTTIG, and WILLIAMS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Donnie Robin Simpson, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

On February 15, 2002, Donnie Robin Simpson filed a petition for a writ of mandamus asking this court to direct the district court to enter a ruling in his motion for downward departure filed on May 2, 2001. On May 22, 2001, the district court ordered the Government to respond to the motion. The Government responded on August 15, 2001. Although we find that mandamus relief is not warranted because the delay is not unreasonable, we deny the petition without prejudice to Simpson's right to refile if the district court does not act expeditiously. We also deny Simpson's motion to proceed on appeal in forma pauperis and 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