

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7346

In Re: DONALD ANDRE BARKLEY,

Petitioner.

On Petition For Writ of Mandamus (CA-02-69)

Submitted: December 9, 2004

Decided: December 16, 2004

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Donald Andre Barkley, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Donald Andre Barkley filed this petition for writ of mandamus alleging that the district court has unreasonably delayed acting on his 28 U.S.C. § 2254 (2000) petition. Barkley seeks an order requiring the district court to decide the case. We find no unreasonable delay. Therefore, while we grant the motion for leave to proceed in forma pauperis, we deny the petition without prejudice to Barkley's right to refile. 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