

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-7943**

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In Re: CHAUNCEY MARSHBURN,

Petitioner.

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On Petition for Writ of Mandamus.  
(5:06-hc-02176-BO)

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Submitted: April 26, 2007

Decided: May 1, 2007

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Before WILLIAMS, MICHAEL, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Chauncey Marshburn, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Chauncey Marshburn petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his motion to reconsider its order dismissing Marshburn's petition filed pursuant to 28 U.S.C. § 2254 (2000). Marshburn seeks an order from this court directing the district court to act. Our review of the district court's docket sheet reveals that the court denied the motion for reconsideration on November 27, 2006. See Marshburn v. Jackson, No. 5:06-hc-02176-BO (E.D.N.C. Nov. 27, 2006). Accordingly, although we grant leave to proceed in forma pauperis, we deny 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 DENIED