

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6144**

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DEANGELO MARQUESE MARTIN,

Petitioner - Appellant,

v.

L. KELLY, Warden,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Leonie M. Brinkema,  
District Judge. (1:08-cv-00991-LMB-IDD)

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Submitted: May 21, 2009

Decided: May 29, 2009

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Before MOTZ and TRAXLER, Circuit Judges.\*

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Dismissed by unpublished per curiam opinion.

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DeAngelo Marquese Martin, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

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\* The opinion is filed by a quorum of the panel pursuant to  
28 U.S.C. § 46(d) (2006).

PER CURIAM:

DeAngelo Marquese Martin seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2006) petition without prejudice for failing to prepay the filing fee. Our review of the district court docket sheet reveals that Martin paid the filing fee on January 27, 2009, shortly after filing his notice of appeal. Accordingly, because Martin has paid the filing fee and the district court has reopened his case, we deny a certificate of appealability and dismiss the appeal 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 in the decisional process.

DISMISSED