

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6379

In Re: CORNELIUS TUCKER, JR.,

Petitioner.

On Petition for Writ of Mandamus.
(No. 5:02-cr-00235-BO)

Submitted: June 22, 2007

Decided: July 12, 2007

Before WILKINSON and MOTZ, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Cornelius Tucker, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cornelius Tucker, Jr., petitions for a writ of mandamus seeking an order modifying a 2005 district court order finding him not guilty only by reason of insanity and delaying the hearing required in 18 U.S.C.A. §§ 4243(c), 4247(d) (West 2000 & Supp. 2007), until his release from state custody. This court has affirmed the district court's decision to delay this hearing pending Tucker's release from state court custody, United States v. Tucker, 153 F. App'x 173 (4th Cir. November 3, 2005) (No. 05-4336), and we conclude that Tucker is not entitled to mandamus relief.*

Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition for writ of mandamus. 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

*To the extent Tucker complains of delay in a recently filed habeas petition, we find there has been no undue delay.