

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-2280**

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In Re: JOHNNY LEE GORE,  
  
Petitioner.

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On Petition for Writ of Mandamus. (4:01-cr-00627-CWH-9)

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Submitted: February 12, 2009                      Decided: March 11, 2009

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Before KING, GREGORY, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Johnny Lee Gore, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Johnny Lee Gore petitions for a writ of mandamus, alleging the district court has unduly delayed acting on a motion for a new trial. He seeks an order from this court directing the district court to act. Our review of the docket sheet reveals that the district court denied Gore's motion for a new trial after he filed this mandamus petition. Accordingly, because the district court has recently ruled on Gore's motions, we deny the mandamus petition as moot. We grant leave to proceed in forma pauperis. 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