

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-1074**

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In Re: HARRY NOLAN MOODY,  
  
Petitioner.

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On Petition for Writ of Mandamus. (1:07-cv-00127-LHT)

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Submitted: August 27, 2009                      Decided: September 4, 2009

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Before TRAXLER, Chief Judge, and MOTZ and KING, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Harry Nolan Moody, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Harry Moody petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C.A. § 2255 (West Supp. 2009) motion. 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 the § 2255 motion and dismissed the action on August 20, 2009. Accordingly, because the district court has recently decided Moody's case, 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