

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1100

In Re: FLOYD JUNIOR POWELL, a/k/a Dick,
Petitioner.

On Petition for Writ of Mandamus. (5:99-cr-00012-RLV-6)

Submitted: July 9, 2009

Decided: July 27, 2009

Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Floyd Junior Powell, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Floyd Junior Powell petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his motion for relief under 18 U.S.C. § 3582 (2006), filed on November 19, 2007, and his motion to amend the motion, filed on July 2, 2008. He seeks an order from this court directing the district court to act. Since Powell filed this petition, the district court's docket sheet indicates that a supplemental presentence report pursuant to the crack cocaine amendments was filed and made available to the parties and the district court. Although we find that mandamus relief is not warranted because the delay is not unreasonable, we deny the mandamus petition without prejudice to the filing of another mandamus petition if the district court does not act expeditiously. 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