

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1720

In Re: SHAWN NEWTON,

Petitioner.

On Petition for Writ of Mandamus. (5:09-ct-03002-H)

Submitted: October 20, 2009 Decided: October 23, 2009

Before TRAXLER, Chief Judge, NIEMEYER, Circuit Judge, and
HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Shawn Newton, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shawn Newton petitions for a writ of mandamus, alleging that the district court has unduly delayed acting on his 28 U.S.C. § 2241 (2006) motion. The case number Newton references in his mandamus petition, however, corresponds to one of his pending civil rights complaints, rather than a § 2241 petition. We construe Newton's mandamus petition as seeking an order from this court directing the district court to act on the pending civil rights complaint and we find that mandamus relief is not warranted because the delay is not unreasonable. Therefore, we deny the mandamus petition without prejudice to the filing of another mandamus petition if the district court does not act expeditiously. 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