

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-7954**

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In Re: JERRY WAYNE SHEPPARD,

Petitioner.

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On Petition for Writ of Mandamus.  
(No. 5:94-cr-00122-F-17)

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Submitted: February 15, 2007

Decided: February 26, 2007

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Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Jerry Wayne Sheppard, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerry Wayne Sheppard petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his § 2255 action. He seeks an order from this court directing the district court to act. 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 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