

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-2147

In Re: NOAH SMITH, III,

Petitioner.

On Petition for Writ of Mandamus. (4:05-cv-02903-TLW)

Submitted: September 9, 2008

Decided: September 26, 2008

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

Petition denied as moot by unpublished per curiam opinion.

Noah Smith, III, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Noah Smith, III, petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C. § 2255 (2000) motion. He seeks an order from this court directing the district court to act. Our review of the docket sheet reveals that Smith voluntarily withdrew his § 2255 motion on August 22, 2008. Accordingly, we deny the mandamus petition as moot. 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 AS MOOT