

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-6032**

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In Re: RODNEY EUGENE SMITH,

Petitioner.

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On Petition for Writ of Mandamus. (1:01-cr-00007)

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Submitted: August 6, 2007

Decided: August 17, 2007

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Before WILKINSON, MOTZ, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Rodney Eugene Smith, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney Eugene Smith petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his petition to vacate his conviction. He seeks an order from this court directing the district court to enter a default judgment. Our review of the docket sheet reveals that the district court denied Smith's petition in an order entered on July 25, 2007. Accordingly, because the district court has recently decided Smith's case, we deny the mandamus petition as moot. We grant Smith's motion to proceed in forma pauperis, but deny his "Emergency Motion and Memorandum of Law for Speedy Resolution Due to Health Reasons and Violations of Constitutional and Statutory Laws," his motion for default judgment, and his "Motion to Modify Scheduling Order Pursuant to Fed. R. Civ. P. 16(b) for Extraordinary Circumstances." 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