

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6333

In Re: FRANK W. BALLANCE, JR.,

Petitioner.

On Petition for Writ of Mandamus.
(5:04-cr-00282-BO)

Submitted: June 22, 2007

Decided: July 16, 2007

Before MOTZ, SHEDD, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Frank W. Ballance, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frank W. Ballance, Jr., 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. 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