

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6436

In Re: THOMAS D. DIXON, JR.,

Petitioner.

On Petition for Writ of Mandamus.
(1:05-cr-00599-RDB)

Submitted: May 31, 2007

Decided: June 8, 2007

Before WILKINSON, TRAXLER, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Thomas D. Dixon, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas D. Dixon, Jr., petitions this court for a writ of error, mandamus, or habeas relief. He contends that the district court did not act on a habeas petition filed in that court, and he seeks release from imprisonment. We deny the petition.

Dixon did not appeal either his conviction or the district court's denial of his petition for a writ of habeas corpus or mandamus filed in that court. The petition filed in this court is not a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979). Moreover, contrary to Dixon's assertion, a review of the district court's docket reveals that the district court has ruled on his request for habeas relief, denying the petition in both cases in which it was filed. See United States v. Dixon, No. 1:05-cr-00131-RDB (D. Md. filed & entered Feb. 21, 2007); United States v. Dixon, No. 1:05-cr-00599-RDB (D. Md. filed Feb. 20, 2007, entered Feb. 21, 2007). Thus, to the extent Dixon seeks an order directing the district court to rule, his petition is moot.

Accordingly, we deny the petition. 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