

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-6779**

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In Re: RICHARD ALLEN SMITH, JR.,

Petitioner.

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On Petition for Writ of Mandamus.  
(2:00-cr-00007-FPS; 2:04-cv-00050-FPS; 2:06-cv-00088-FPS)

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Submitted: July 19, 2007

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Decided: July 25, 2007

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Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Richard Allen Smith, Jr., Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Allen Smith, Jr. petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his "application for a certificate of appealability." He seeks an order from this court directing the district court to act. We find there has been no undue delay in the district court. Accordingly, although we grant leave to proceed in forma pauperis, we deny the mandamus 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