

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1394

In Re: DONNA J. FERNICOLA; ROBERT E. FERNICOLA,
Petitioners.

On Petition for Writ of Mandamus. (4:08-cv-00516-TLW-TER)

Submitted: August 11, 2008 Decided: October 28, 2008

Before MOTZ, TRAXLER, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Donna J. Fernicola, Robert E. Fernicola, Petitioners Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donna J. Fernicola and Robert E. Fernicola petition for a writ of mandamus directing the district court to enter default judgment in their favor in the underlying action. Our review of the district court docket sheet reveals that the district court has remanded the underlying case to Utica City Court in Utica, New York. See GPO Federal Credit Union v. Fernicola, No. 4:08-cv-00516-TLW-TER (D.S.C. July 11, 2008). Accordingly, we deny this mandamus petition as moot. We also deny as moot the Fernicolas' motion for a stay. 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