

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1433

In Re: HENRY EARL MILLER,
Petitioner.

On Petition for Writ of Mandamus. (6:04-cr-00022-HFF-3)

Submitted: May 14, 2008

Decided: June 3, 2008

Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Henry Earl Miller, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Henry Earl Miller petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his motion to correct the presentence investigation report. He seeks an order from this court directing the district court to act. Our review of the district court docket sheet reveals that the district court recently denied Miller's motion. See United States v. Miller, No. 6:04-cr-00022-HFF-3 (D.S.C. May 2, 2008). Accordingly, in light of the district court's action, we deny Miller's mandamus petition and amended petition as moot. We grant leave to proceed in forma pauperis. 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