

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1550

In Re: MITCHELL SMITH,

Petitioner.

On Petition for Writ of Mandamus. (8:07-cv-02276-AW)

Submitted: September 30, 2008 Decided: October 10, 2008

Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Mitchell Smith, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mitchell Smith petitions for a writ of mandamus, alleging that the district court has unduly delayed acting on his petition filed under 28 U.S.C. § 2241 (2000). He seeks an order from this court directing the district court to act. Our review of the district court's docket sheet reveals that the district court denied and dismissed the § 2241 petition. Accordingly, because the district court recently has decided Smith's case, we deny the mandamus petition as moot. We grant leave to proceed in forma pauperis, and 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