

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-1574**

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In Re: CECIL EDWARD JACKSON,

Petitioner.

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On Petition for Writ of Mandamus. (3:97-cv-00261-GCM)

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Submitted: September 16, 2008

Decided: October 10, 2008

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Before NIEMEYER and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Cecil Edward Jackson, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cecil Edward Jackson petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his "motion for relief from order granting dismissal without prejudice pursuant to Fed. R. Civ. P. 59(e) and/or Rule 60," filed in November 2007. He seeks an order from this court directing the district court to act. Although we find that mandamus relief is not warranted because the delay is not unreasonable, we deny the mandamus petition without prejudice to the filing of another mandamus petition if the district court does not act expeditiously. 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