

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1106

In Re: RODNEY EUGENE SMITH,

Petitioner.

On Petition for Writ of Mandamus.
(1:08-cv-01288)

Submitted: February 26, 2009

Decided: March 9, 2009

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Rodney Eugene Smith, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney Eugene Smith petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his petition for writ of error coram nobis. 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