

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1461

In Re: SHAKA AMIR FARRAKHAN,
Petitioner.

On Petition for Writ of Mandamus. (1:08-cv-00438-TSE-JFA)

Submitted: June 8, 2009 Decided: June 24, 2009

Before KING and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Shaka Amir Farrakhan, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shaka Amir Farrakhan petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his civil rights action pursuant to 42 U.S.C. § 1983 (2006). He seeks an order from this court directing the district court to act. Our review of the docket sheet reveals that on May 13, 2009, the district court transferred claims 13 through 30 of Farrakhan's complaint to the Western District of Virginia, the court of proper venue pursuant to 28 U.S.C. § 1391(b) (2006), and dismissed claims 1, 3 through 9, 11, and 12 pursuant to 28 U.S.C. § 1915A(b)(1) (2006) for failure to state a claim. Claims 2 and 10 remain pending in the Eastern District.

Because the district court has recently acted in Farrakhan's case, we deny the mandamus petition as moot. We grant leave to proceed in forma pauperis and deny Farrakhan's motion for appointment of counsel. 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