

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-2142**

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In Re: PETE SMITH, a/k/a Jose, a/k/a Pete Noble Muhammad,  
Petitioner.

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On Petition for Writ of Mandamus.  
(2:93-cr-00117-WO-1)

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Submitted: December 17, 2009                      Decided: December 28, 2009

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Before WILKINSON, NIEMEYER, and AGEE, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Pete Smith, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Pete Smith petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his petition for a modification of his supervised release. Smith 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