

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1416

In Re: MARK DAMRON,

Petitioner.

On Petition for Writ of Mandamus.
(3:09-cv-00098)

Submitted: May 20, 2010

Decided: May 26, 2010

Before WILKINSON, NIEMEYER, and DAVIS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Mark Damron, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark Damron petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C. § 2254 (2006) petition for a writ of habeas corpus. He seeks an order from this court directing the magistrate judge to issue findings and a recommendation. Our review of the district court's docket reveals that the magistrate judge has issued his report and recommendation. Accordingly, we deny the mandamus petition as moot. 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