

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-1128**

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In Re: JAMES ALLEN IRBY, III,

Petitioner.

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On Petition for Writ of Mandamus.  
(8:03-cr-00490-DKC-1; 8:07-cv-01186-DKC)

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Submitted: March 31, 2011

Decided: April 6, 2011

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Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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James Allen Irby, III, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Allen Irby, III, petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C.A. § 2255 (West Supp. 2010) motion. He seeks an order from this court directing the district court to act. Our review of the district court's docket reveals that the district court, on February 18, 2011, denied Irby's § 2255 motion. Accordingly, because the district court has recently decided Irby's case, 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