

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-2184**

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In Re: DENNIS MILLER,  
  
Petitioner.

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On Petition for Writ of Mandamus.  
(4:09-cr-01272-RBH-8; 4:11-cv-03376-RBH)

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Submitted: November 14, 2012                      Decided: November 28, 2012

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Before NIEMEYER, KING, and THACKER, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Dennis Miller, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dennis Miller petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C.A. § 2255 (West Supp. 2012) motion. He seeks an order from this court directing the district court to act. Our review of the district court's docket reveals that, on October 9, 2012, the district court granted Miller's § 2255 motion in part and ordered that Miller be resentenced. Accordingly, because the district court has recently ruled on the § 2255 motion, 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 this court and argument would not aid the decisional process.

PETITION DENIED