

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-2356**

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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Petition denied by unpublished per curiam opinion.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Unpublished opinions are not binding precedent in this circuit.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 that the district court has unduly delayed in scheduling a resentencing hearing following its grant of relief under 28 U.S.C.A. § 2255 (West Supp. 2012). He seeks an order from this court directing the district court to act. We find the present record does not reveal undue delay in the district court. Accordingly, we grant leave to proceed in forma pauperis and deny the mandamus petition. 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