

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-1688**

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In re: JOSE HUMBERTO DIAZ, a/k/a Humberto Diaz,  
Petitioner.

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On Petition for Writ Of Mandamus.  
(7:09-cr-00100-D-3; 7:11-cv-00043-D)

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Submitted: July 18, 2013

Decided: July 22, 2013

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Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Jose Humberto Diaz, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jose Humberto Diaz petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C.A. § 2255 (West Supp. 2013) 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 denied relief on the § 2255 motion on June 3, 2013. Accordingly, because the district court has recently decided Diaz'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 this court and argument would not aid the decisional process.

PETITION DENIED