

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 13-1781

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In Re: BENNIE AUSTIN MACK, JR.,

Petitioner.

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On Petition for Writ of Mandamus.  
(1:08-cr-00267-WO-1; 1:13-cv-00175-WO)

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Submitted: June 24, 2013

Decided: July 11, 2013

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Before GREGORY, SHEDD, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Bennie Austin Mack, Jr., Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bennie Austin Mack, Jr. petitions for a writ of mandamus, alleging that the magistrate judge has unduly delayed in ruling on his May 20, 2013 request for order pertaining to his pending 28 U.S.C. § 2255 (2006) motion. He seeks an order from this court directing the magistrate judge to act. We find the present record does not reveal undue delay in the district court. Accordingly, although we grant leave to proceed in forma pauperis, we 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