

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-1263**

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In Re: TIMOTHY HUGH LINDSEY,  
  
Petitioner.

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On Petition for Writ of Mandamus.  
(5:08-cr-00091-BR-1; 5:12-cv-00350-BR)

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Submitted: June 26, 2014

Decided: July 1, 2014

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Before WILKINSON, KING, and GREGORY, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Timothy Hugh Lindsey, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timothy Hugh Lindsey petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his motion for a certificate of appealability after dismissing his 28 U.S.C. § 2255 (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 the district court denied a certificate of appealability in the March 21, 2013 order dismissing the § 2255 motion, and, on March 28, 2013, denied as moot Lindsey's separate motion for a certificate of appealability. Accordingly, because the district court has already ruled on Lindsey's request for a certificate of appealability, 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