

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1431

In re: MICHAEL ANTHONY DARBY,

Petitioner.

On Petition for Writ of Mandamus.
(5:07-cr-01253-MBS-1)

Submitted: July 29, 2014

Decided: July 31, 2014

Before NIEMEYER, WYNN, and DIAZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Michael Anthony Darby, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Anthony Darby petitions for a writ of mandamus, alleging the district court has unduly delayed acting on 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, on June 27, 2014, the district court granted the Government's motion for summary judgment on Darby's § 2255 motion except as to Darby's claim that counsel was ineffective in failing to adequately advise him regarding a formal plea offer. The court ordered this claim be held in abeyance pending an evidentiary hearing. Accordingly, because the district court has recently acted on Darby's § 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