In re: Charlette Johnson
Doc. 405754156


**UNPUBLISHED**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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**No. 15-2193**

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In Re: CHARLETTE DUFRAY JOHNSON, a/k/a Charlotte Johnson,

Petitioner.

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On Petitions for Writ of Mandamus. (7:10-cr-00093-BR-1; 7:15-cv-00063)

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Submitted: December 15, 2015 Decided: December 17, 2015

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Before GREGORY and FLOYD, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Charlette Dufray Johnson, Petitoner Pro Se. Seth Morgan Wood, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Charlette Dufray Johnson petitions for a writ of mandamus, alleging that the district court has unduly delayed acting on her motion for release of grand jury transcripts or dismissal of her convictions and sentence. She seeks an order from this court directing the district court to grant her motion.

Our review of the district court's docket reveals that the district court issued an order denying Johnson's motion on November 6, 2015. Because the district court has recently decided Johnson's motion, her demand for an order directing the district court to cease delaying its ruling is moot. Moreover, insofar as Johnson seeks an order directing the district court to grant her motion, such relief is not available by way of mandamus. See In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007) (recognizing that mandamus may not be used as substitute for appeal).

Accordingly, we deny the mandamus petition. 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