

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1561

In re: LARRY D. HILL, JR.,

Petitioner.

On Petition for Writ of Mandamus
(No. 4:13-cr-00028-BR-1)

Submitted: July 27, 2017

Decided: July 31, 2017

Before AGEE and FLOYD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Larry D. Hill, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry D. Hill, Jr., petitions for a writ of mandamus, alleging that the district court has unduly delayed acting on his Fed. R. Civ. P. 60(d) motion filed on April 17, 2017. However, Hill did not file a Rule 60(d) motion on April 17, 2017, and the district court has since dismissed Hill's Rule 60(d) motion filed on May 8, 2017. Additionally, insofar as Hill claims in his petition that newly discovered evidence proves he is actually innocent of his convictions, there are "other adequate means" for Hill to attain the relief sought. *See In re Braxton*, 258 F.3d 250, 261 (4th Cir. 2001). Accordingly, we grant Hill leave to proceed in forma pauperis and deny the 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