

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-2438

In re: LARRY EUGENE CASON, JR., a/k/a Woo Baby,

Petitioner.

On Petition for Writ of Mandamus.
(1:02-cr-00375-NCT-1; 1:12-cv-00517-NCT-JEP)

Submitted: June 28, 2018

Decided: August 1, 2018

Before GREGORY, Chief Judge, and MOTZ and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Larry Eugene Cason, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Eugene Cason, Jr., petitions for a writ of mandamus, alleging that the district court has unduly delayed in ruling on his 28 U.S.C. § 2255 (2012) motion. He seeks an order from this court directing the district court to act. Cason focuses our attention on the time his § 2255 motion has been pending since our decision in *United States v. Surratt*, No. 14-6851 (4th Cir. Apr. 21, 2017) (unpublished order). We conclude that the present record does not reveal undue delay in the district court. Furthermore, to the extent Cason seeks an order from this court directing the district court to amend his presentence report pursuant to Fed. R. Crim. P. 36, Cason fails to show a clerical error as required by that rule. *See United States v. Powell*, 266 F. App'x 263, 266 (4th Cir. 2008) (No. 06-7921) (argued but unpublished). Accordingly, we grant leave to proceed in forma pauperis and 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

* While we deny mandamus relief, we encourage the district court to act as expeditiously as possible in this matter, particularly in light of the delay in addressing Cason's motion and the Government's concession that his sentence is not valid.