

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1153

In re: VIVEK SHAH,

Petitioner.

On Petition for Writ of Mandamus. (5:15-cv-07542)

Submitted: April 19, 2018

Decided: April 24, 2018

Before GREGORY, Chief Judge, and THACKER and HARRIS, Circuit Judges.

Petition dismissed in part, denied in part by unpublished per curiam opinion.

Vivek Shah, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Vivek Shah petitions for a writ of mandamus, alleging that the district court has unduly delayed ruling on his motion to reconsider the denial of his 28 U.S.C. § 2255 (2012) motion. He seeks an order from this court directing the district court to act. The district court docket reflects that the district court issued an order on February 8, 2018, denying Shah's motion to reconsider, thus mooted this aspect of the petition. To the extent that Shah challenges the district court's disposition of the § 2255 motion, a mandamus petition is not a proper substitute for a direct appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007). Accordingly, we grant leave to proceed in forma pauperis, deny as moot Shah's motion to expedite, and dismiss in part and deny in part the petition for a writ of mandamus. 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 DISMISSED IN PART,
DENIED IN PART*