

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1786

In re: RODNEY A. KOON,

Petitioner.

On Petition for Writ of Mandamus. (1:18-cv-00084-FDW)

Submitted: November 15, 2018

Decided: November 19, 2018

Before MOTZ and HARRIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Rodney A. Koon, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney A. Koon petitions for a writ of mandamus, requesting that we direct the district court to construe his complaint as a 28 U.S.C. § 2254 (2012) petition. The record reflects that the district court has in fact construed Koon's complaint in such a manner and ruled on the amended § 2254 petition; Koon's mandamus petition is therefore moot. To the extent that Koon challenges the district court's disposition of his § 2254 petition, 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), and, in any event, Koon has filed a direct appeal of the district court's decision. Accordingly, although we grant leave to proceed in forma pauperis, we deny Koon's 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 DENIED