

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1210

In re: MICHAEL J. MOLLER,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Eastern District of North Carolina, at Raleigh. (5:23-ct-03001-M-RJ; 5:23-hc-02009-M-RJ)

Submitted: April 20, 2023

Decided: April 25, 2023

Before KING and QUATTLEBAUM, Circuit Judges, and FLOYD, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Michael J. Moller, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael J. Moller, a federal prisoner, petitions for a writ of mandamus, as supplemented and amended, alleging that the district court has unduly delayed in ruling on his motions and requests for emergency injunctive relief in Moller's 28 U.S.C. § 2241 habeas petition and his civil action filed pursuant to *Bivens v. Six Unknown Agents of the Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). Our review of the district court's dockets reveals that, since the filing of this mandamus petition, the district court has (a) dismissed without prejudice Moller's § 2241 petition; and (b) granted Moller's motion for voluntary dismissal of his *Bivens* suit. Accordingly, because the district court has recently decided both of Moller's cases, we deny as moot the mandamus petition as amended and supplemented. We further deny Moller's request to consolidate this mandamus action with the separate appeal pending in No. 23-6366, *Moller v. Kelly*, and deny as moot Moller's motion to appoint counsel. 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