

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

PHILLIP LEE GREEN, :
Petitioner :
VS. :
U.S. Magistrate Judge CLAUDE W. :
HICKS, JR., :
Respondent : NO. 5:10-cv-212 (CAR)
: :
: **O R D E R**

Petitioner **PHILLIP LEE GREEN**, a state prisoner presently incarcerated at Macon State Prison in Oglethorpe, Georgia, has submitted a “Petition for a Writ of Mandamus.” Solely for purposes of this Court’s dismissing plaintiff’s complaint, leave to proceed *in forma pauperis* is hereby granted.

Petitioner asserts that U.S. Magistrate Judge Claude W. Hicks’ delay in ruling on the defendants’ motion to dismiss in petitioner’s pending 42 U.S.C. § 1983 lawsuit is unreasonable, and he seeks an order from this Court directing Magistrate Judge Hicks to rule on defendants’ motion. *See Green v. Georgia State Board of Pardons and Paroles*, 5:9-cv-197 (HL) (M.D. Ga.). Defendants’ motion to dismiss was filed in November 2009 and was ready for review in December 2009.

On June 14, 2010, Magistrate Judge Hicks issues a report and recommendation that defendants’ motion to dismiss be granted. Petitioner’s request for mandamus relief is therefore moot and is hereby **DISMISSED**.

SO ORDERED, this 18th day of June, 2010.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

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