

**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)

**ORDER**

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

cr