

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-2123**

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In Re: JOHNNIE GATHERS,  
  
Petitioner.

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On Petition for Writ of Mandamus.  
(9:09-cv-01295-HMH-BM)

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Submitted: December 17, 2009                      Decided: December 23, 2009

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Before WILKINSON, NIEMEYER, and AGEE, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Johnnie Gathers, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Johnnie Gathers petitions this court for an injunction in which he seeks to have his 42 U.S.C. § 1983 (2006) complaint removed from the United States District Court for the District of South Carolina. The record reveals that the district court has issued a final order in that case, and Gathers has appealed. We therefore deny Gathers' petition as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED