

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1696

In Re: BENNIE A. MACK, JR.,

Petitioner.

On Petition for Writ of Mandamus.
(1:08-cr-00267-WO-1; 1:13-cv-00175-WO)

Submitted: January 8, 2015

Decided: January 13, 2015

Before GREGORY, SHEDD, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Bennie A. Mack, Jr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bennie A. Mack, Jr. petitions for a writ of mandamus, alleging the magistrate judge has unduly delayed acting on his 28 U.S.C. § 2255 (2012) motion. He seeks an order from this court directing the magistrate judge to act. Our review of the district court's docket reveals that the magistrate judge has issued a recommendation that Mack's § 2255 motion be denied. Accordingly, because the magistrate judge has recently acted in Mack's case, we deny the mandamus petition as moot. We grant leave to proceed in forma pauperis. 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