

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1146

In Re: SAMUEL DEWITT MCCOTTER,

Petitioner.

On Petition for Writ of Mandamus.
(5:01-cv-00100-H; 4:90-cr-00027-BO)

Submitted: November 20, 2008

Decided: December 19, 2008

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Samuel DeWitt McCotter, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Samuel McCotter petitions for a writ of mandamus, alleging that the district court has unduly delayed acting on his motion for return of property. He seeks an order from this court directing the district court to act. In response to an order of this court, the district court filed a response demonstrating that the district court denied the motion for return of property in an order dated July 30, 2003, and filed on August 1, 2003. Accordingly, because the district court has ruled on the motion for return of property, we deny the mandamus 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