

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1456

In Re: DEREK MARQUIS FLEMING,

Petitioner.

On Petition for Writ of Mandamus. (2:91-cr-00179-NCT-1)

Submitted: September 28, 2009

Decided: October 5, 2009

Before WILKINSON and GREGORY, Circuit Judges, and HAMILTON,
Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Derek Marquis Fleming, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derek Marquis Fleming petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his motion to correct judgment. He seeks an order from this court directing the district court to act. Our review of the docket sheet reveals that the district court denied the motion to correct judgment on September 22, 2009. Accordingly, because the district court has recently decided Fleming'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 the court and argument would not aid the decisional process.

PETITION DENIED