

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-2264**

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In Re: HENRY MCKINLEY SCOTT, JR.,  
Petitioner.

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On Petition for Writ of Mandamus. (2:10-cv-00061-HCM-FBS)

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Submitted: January 10, 2011

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Decided: February 8, 2011

Before KING, SHEDD, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Henry McKinley Scott, Jr., Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Henry McKinley Scott, Jr., petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C.A. § 2241 (West 2006 & Supp. 2010) petition. He seeks an order from this court directing the district court to act. We find there has been no undue delay in the district court. Accordingly, although we grant leave to proceed in forma pauperis, we deny the mandamus petition. This ruling is without prejudice to Scott's right to file another mandamus petition in the future should there be future undue delay in the district court's handling of Scott's § 2241 petition. 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