

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2187

In Re: JAMES STEVEN LESANE,

Petitioner.

On Petition for Writ of Mandamus.
(3:08-cr-00185-REP-1)

Submitted: January 4, 2013 Decided: January 10, 2013

Before WYNN and FLOYD, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

James Steven Lesane, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Steven Lesane petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C.A. § 2255 (West Supp. 2012) and Fed. R. Crim. P. Rule 33(a) motions. He seeks an order from this court directing the district court to act. Our review of the district court's docket reveals that the district court has entered final orders deciding both Lesane's § 2255 and Rule 33(a) motions. Accordingly, because the district court has recently decided Lesane's case, we deny the mandamus petition and motion to supplement the mandamus petition as moot. To the extent Lesane seeks to directly challenge his underlying conviction, such relief is not available by way of mandamus. United States v. Moussaoui, 333 F.3d 509, 517 (4th Cir. 2003) (noting mandamus is not substitute for appeal). To obtain appellate review, Lesane must note appeals of the district court's orders. Although 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