

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1756

In re: NICHOLAS OMAR MIDGETTE,

Petitioner.

On Petition for Writ of Mandamus. (5:18-hc-02066-BO)

Submitted: October 23, 2018

Decided: October 25, 2018

Before NIEMEYER, KING, and WYNN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Nicholas Omar Midgette, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nicholas Omar Midgette petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his petition for a writ of error coram nobis or audita querela. 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 denied the petition on June 29, 2018. Accordingly, because the district court has recently decided Midgette'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