

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2214

In re: DIFANKH ASAR, a/k/a James Walter Gist,

Petitioner.

On Petition for Writ of Mandamus.
(7:10-cr-00429-BHH-1; 7:16-cv-01473-BHH)

Submitted: February 26, 2019

Decided: February 28, 2019

Before KING, THACKER, and QUATTLEBAUM, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Difankh Asar, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Difankh Asar petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his Fed. R. Civ. P. 60(b) motion filed June 4, 2018. He seeks an order from this court directing the district court to address specific claims. Our review of the district court's docket reveals that the district court denied the Rule 60(b) motion on August 14, 2018. Accordingly, because the district court has recently ruled on Asar's motion, we deny the mandamus petition as moot. Moreover, insofar as Asar seeks an order directing the district court to address certain claims, such relief is not available by way of mandamus. *See In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007) (recognizing that mandamus may not be used as substitute for appeal).

Accordingly, although we grant leave to proceed in forma pauperis, we deny the mandamus petition. 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