

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. ANTHONY ANDREWS, a/k/a Wheat,
Defendant - Appellant. In re: ANTHONY ANDREWS, a/k/a Wheat, Petitioner.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

2023 U.S. App. LEXIS 6882

No. 22-7332, No. 23-1086

March 22, 2023, Decided

March 14, 2023, Submitted

Notice:

PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

Editorial Information: Prior History

{2023 U.S. App. LEXIS 1} Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. (7:16-cr-00030-D-3). James C. Dever III, District Judge. On Petition for Writ of Mandamus. (7:16-cr-00030-D-3). In re Andrews, 2020 U.S. App. LEXIS 15725 (4th Cir., May 15, 2020)

Disposition:

No. 22-7332, AFFIRMED; No. 23-1086, PETITION DENIED.

Counsel

Anthony Andrews, Appellant, Pro se.

Judges: Before THACKER and HARRIS, Circuit Judges, and MOTZ, Senior Circuit Judge.

Opinion

PER CURIAM:

In No. 22-7332, Anthony Andrews appeals the district court's order disposing of several postjudgment motions. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *United States v. Andrews*, No. 7:16-cr-00030-D-3 (E.D.N.C. Nov. 7, 2022). While we grant Andrews' motion to seal the informal brief, we deny his motions to proceed by pseudonym and to consolidate.

In No. 23-1086, Andrews petitions for a writ of mandamus, alleging that the district court has unduly delayed in ruling on two motions—one challenging a standing order and the other seeking to disqualify the Assistant United States Attorney (AUSA) assigned to this case. However, the district court order on appeal in No. 22-7332 disposed of Andrews' challenge to the standing order. Thus, this request is moot.

As for the motion seeking the disqualification of the AUSA, the {2023 U.S. App. LEXIS 2} district court docketed Andrews' motion on October 24, 2022. Thus, the present record does not reveal undue delay in the district court.* Accordingly, 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.

CIRHOT

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Footnotes

*

We note that while it appears that the district court intended to dispose of this motion in its November 7, 2022, order, that order did not rule on this motion. In light of the voluminous filings submitted by Andrews, we do not fault the district court for overlooking this one discrete request for relief.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7332 (L)
(7:16-cr-00030-D-3)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ANTHONY ANDREWS, a/k/a Wheat

Defendant - Appellant

No. 23-1086
(7:16-cr-00030-D-3)

In re: ANTHONY ANDREWS, a/k/a Wheat

Petitioner

ORDER

The court denies the petitions for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petitions for rehearing en banc.

Entered at the direction of the panel: Judge Thacker, Judge Harris, and Senior Judge Motz.

For the Court

/s/ Patricia S. Connor, Clerk