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In Re: Doherty Kushimo

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-2740

IN RE: DOHERTY KUSHIMO,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Western District of Pennsylvania
(Related to W.D. Pa. Crim. No. 1-14-cr-00012-001)
District Judge: Honorable David S. Cercone

Submitted Pursuant to Rule 21, Fed. R. App. P.
November 3, 2022
Before: CHAGARES, Chief Judge, HARDIMAN, and PHIPPS, Circuit Judges

(Opinion filed January 19, 2023)

OPINION*

PER CURIAM

Doherty Kushimo, proceeding pro se, has filed a petition for a writ of mandamus compelling the United States District Court for the Western District of Pennsylvania to adjudicate his motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A).

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

On December 30, 2022, the District Court denied Kushimo’s motion. In light of the District Court’s action, Kushimo’s mandamus petition no longer presents a live controversy. Accordingly, we will dismiss the petition as moot. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698–99 (3d Cir. 1996) (“If developments occur during the course of adjudication that eliminate a plaintiff’s personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot.”).