



2018 Decisions

Opinions of the United
States Court of Appeals
for the Third Circuit

2-16-2018

In Re: Daniel Heleva

Follow this and additional works at: https://digitalcommons.law.villanova.edu/thirdcircuit_2018

Recommended Citation

"In Re: Daniel Heleva" (2018). *2018 Decisions*. 138.

https://digitalcommons.law.villanova.edu/thirdcircuit_2018/138

This February is brought to you for free and open access by the Opinions of the United States Court of Appeals for the Third Circuit at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in 2018 Decisions by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 17-3491

In re: DANIEL ARTHUR HELEVA,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for Middle District of Pennsylvania
(Related to M.D. Pa. Civ. No. 1-07-cv-01398)

Submitted Pursuant to Rule 21, Fed. R. App. P.
November 30, 2017

Before: SMITH, Chief Judge, CHAGARES and HARDIMAN, Circuit Judges

(Opinion filed: February 16, 2018)

OPINION*

PER CURIAM

Daniel Heleva, proceeding pro se, has filed a petition for a writ of mandamus to compel the United States District Court for the Middle District of Pennsylvania to expedite his habeas proceedings. On January 9, 2018, the District Court denied Heleva's amended

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

habeas petition. To the extent Heleva has obtained the relief he sought, his mandamus petition is moot. Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996).

To the extent Heleva seeks release from prison based on the merits of the claim he raised in his amended habeas petition, mandamus relief is not available because Heleva had other adequate means to obtain the desired relief via his amended habeas petition and he can pursue his claim on appeal. See In re Patenaude, 210 F.3d 135, 141 (2000). Similarly, to the extent Heleva seeks mandamus relief in connection with motions he filed in District Court that were not addressed in the District Court's decision denying habeas relief, Heleva moved the District Court to review these motions and filed a notice of appeal and thus has other adequate means to obtain relief.

Accordingly, we will deny the petition for a writ of mandamus.¹

¹Heleva's motion to strike Respondent's response filed November 27, 2017, which may be construed as a response to the mandamus petition, is denied. To the extent the response may be construed as requesting reconsideration of the Clerk's Order granting Heleva in forma pauperis status, the request is denied.