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11-16-2006

**In Re: James Riley**

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NO. 06-4004

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IN RE: JAMES RILEY,  
Petitioner

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On a Petition for Writ of Mandamus from the  
United States District Court for the District of Delaware  
(Related to Civ. No. 06-cv-00001)

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Submitted Under Rule 21, Fed. R. App. P.  
October 13, 2006

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Before: SCIRICA, Chief Judge, WEIS and GARTH, Circuit Judges.

(Filed November 15, 2006)

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OPINION

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PER CURIAM

Pro se petitioner James Riley seeks a writ of mandamus to compel the United States District Court for the District of Delaware to rule immediately on his motion for preliminary injunction/temporary restraining order filed July 18, 2006.<sup>1</sup>

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<sup>1</sup> Petitioner seeks an order directing the District Court to grant his preliminary injunction/temporary restraining order. Because such relief is beyond the scope of the relief available under 28 U.S.C. § 1651(a), we construe the petition instead, as seeking an

On October 27, 2006, the District Court entered an order denying Riley's motion for preliminary injunction/temporary restraining order. Because Riley has now received the relief he sought in filing his mandamus petition – a ruling on that motion– we will deny his mandamus petition as moot.

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order that directs the District Court to rule immediately on the motion for preliminary injunction/temporary restraining order.