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In Re: Michael Rinaldi

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 21-3228

In re: MICHAEL RINALDI,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Middle District of Pennsylvania
(Related to M.D. Pa. Crim. Nos. 3:18-cr-00279-002 & 3:18-cr-00280-002)

Submitted on the Government's Motion to Dismiss and
Pursuant to Rule 21, Fed. R. App. P.
May 5, 2022

Before: JORDAN, RESTREPO and SCIRICA, Circuit Judges

(Opinion filed: May 18, 2022)

OPINION*

PER CURIAM

In M.D. Pa. Crim. No. 3:18-cr-00279-002, a federal jury found Michael Rinaldi guilty of controlled-substance offenses. Rinaldi was sentenced to 235 months of imprisonment. His direct appeal is pending. See C.A. No. 21-2419.

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

Recently, Rinaldi filed a petition for a writ of mandamus asking this Court to direct the District Court to rule on a motion he had filed in the related case of M.D. Pa. Crim. No. 3:18-cr-00280-002. That motion sought return of property—specifically, \$18,010 in United States currency—seized by law enforcement during a traffic stop of one of Rinaldi’s co-defendants.

After the District Court ruled on Rinaldi’s motion to return property, the Government filed a motion in this Court seeking dismissal of Rinaldi’s mandamus petition on mootness grounds. Rinaldi was directed to respond to the Government’s motion within fourteen days, but he failed to do so.

The Government’s argument for dismissal of Rinaldi’s mandamus petition is, under the circumstances, sound. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996) (noting that “[i]f developments occur during the course of adjudication that . . . prevent a court from being able to grant the requested relief, the case must be dismissed as moot”). Accordingly, we will grant the Government’s motion to dismiss.