



---

2020 Decisions

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

---

4-29-2020

**In Re: Stuart Proper**

Follow this and additional works at: [https://digitalcommons.law.villanova.edu/thirdcircuit\\_2020](https://digitalcommons.law.villanova.edu/thirdcircuit_2020)

---

### **Recommended Citation**

"In Re: Stuart Proper" (2020). *2020 Decisions*. 439.

[https://digitalcommons.law.villanova.edu/thirdcircuit\\_2020/439](https://digitalcommons.law.villanova.edu/thirdcircuit_2020/439)

This April 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 2020 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. 20-1129

---

IN RE: STUART J. PROPER,  
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. Civ. No. 1:17-cv-00208)

---

Submitted Pursuant to Rule 21, Fed. R. App. P.  
April 16, 2020  
Before: AMBRO, GREENAWAY, Jr., and BIBAS, Circuit Judges

(Opinion filed: April 29, 2020)

---

OPINION\*

---

PER CURIAM

In March 2020, Pennsylvania state prisoner Stuart Proper, proceeding pro se, filed an amended petition for a writ of mandamus, asking us to direct United States Magistrate Judge Richard A. Lanzillo to rule on Proper's pending habeas petition.<sup>1</sup> On April 9,

---

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

<sup>1</sup> Proper submitted his original mandamus petition to us in January 2020. No action was

2020, Magistrate Judge Lanzillo, who was presiding over the matter with the consent of the parties, see 28 U.S.C. § 636(c)(1), entered an order denying that habeas petition. Because Proper has now obtained the relief that he seeks in his amended mandamus petition, we will dismiss this amended 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.”).

---

taken on the petition at that time because he had not provided a copy to Magistrate Judge Lanzillo. See Fed. R. App. P. 21(a)(1) (setting forth this requirement). Instead of curing this defect, Proper elected to file an amended mandamus petition (he told the Clerk of this Court to disregard his original petition), and he duly provided Magistrate Judge Lanzillo with a copy of this amended petition.