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In re: Michael Bullock

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CLD-283

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 17-2195

IN RE: MICHAEL BULLOCK,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Eastern District of Pennsylvania
(Related to E.D. Pa. Civ. No. 2-16-cv-01456)

Submitted Pursuant to Rule 21, Fed. R. App. P.
June 15, 2017

Before: SHWARTZ, NYGAARD and FISHER, Circuit Judges

(Opinion filed: June 22, 2017)

OPINION*

PER CURIAM

Petitioner Michael Bullock seeks a writ of mandamus pursuant to 28 U.S.C. § 1651, to compel the United States District Court for the Eastern District of Pennsylvania to issue a ruling on his habeas petition filed pursuant to 28 U.S.C. § 2254.

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

Bullock filed his § 2254 petition in March 2016. The Government filed a response to the habeas petition in June 2016. Two months later, the Magistrate Judge to whom the petition had been referred issued a Report recommending that the petition be denied. Bullock filed objections to that Report and Recommendation in early September 2016. At the time Bullock submitted his mandamus petition to this Court, his habeas petition had been ripe and pending for about nine months. However, the record reflects that the District Court dismissed the habeas petition by an Order entered on June 5, 2017, prior to the Clerk's receipt of Bullock's motion for leave to proceed with this mandamus petition in forma pauperis. As the District Court has ruled on the habeas petition, Bullock has received the relief sought in his mandamus petition. Thus, we will dismiss the petition as moot. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996).

If Bullock wishes to seek appellate review of the District Court's adverse decision with respect to his habeas petition, he should file his notice of appeal in the District Court within the time period set forth in Fed. R. App. P. 4(a)(1)(A).