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for the Third Circuit

8-4-2011

In Re: Darrel Riviere

Precedential or Non-Precedential: Non-Precedential

Docket No. 11-2658

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11-2658

IN RE: DARREL RIVIERE,
Petitioner

On a Petition for Writ of Mandamus from the
District Court for the District of the Virgin Islands
(Related to Civ. Nos. 1-00-cv-00116 & 1:05-cv-00042)

Submitted Pursuant to Rule 21, Fed. R. App. P.
June 30, 2011

Before: RENDELL, FUENTES and SMITH, Circuit Judges

(Opinion filed: August 4, 2011)

OPINION

PER CURIAM

Darrel Riviere petitions this Court for a writ of mandamus directing the District Court for the District of the Virgin Islands to comply with our order of November 22, 2010, in which we instructed the court to re-weigh the factors of Federal Rule of Appellate Procedure 4(a)(6) in determining whether to grant Riviere's motion to reopen his time to appeal. See Riviere v. United States, No. 10-3371 (order entered on Nov. 22, 2010). His petition emphasizes that a great deal of time has passed since his original

notice of appeal and a substantial amount of time has elapsed since our November 2010 order.

Riviere filed his petition on June 18, 2011, and we received it on June 20. A mere two days later, the District Court issued a detailed order reweighing the Rule 4(a)(6) factors and granting Riviere's request to reopen the time to file his notice of appeal. As Riviere has now been given the entirety of the relief he asked us to compel, we will deny his petition for mandamus as moot.