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2015 Decisions

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

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7-15-2015

## In Re: James Sporish

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 15-1575

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IN RE: JAMES DANIEL SPORISH,  
Petitioner

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On a Petition for Writ of Mandamus from  
the United States District Court  
for the Eastern District of Pennsylvania  
(Related to D.C. Civ. No. 12-cv-04142)

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Submitted Pursuant to Fed. R. App. Pro. 21  
April 23, 2015

Before: MCKEE, Chief Judge, GARTH and BARRY, Circuit Judges

(Opinion filed: July 15, 2015)

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OPINION\*

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PER CURIAM

Petitioner James Sporish, a Pennsylvania state prisoner, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on July 19, 2012. The case was referred to a Magistrate Judge. The District Attorney's Office of Delaware County filed a response on September 13, 2012. In early 2013, Sporish amended his petition, and filed

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

several motions, including a motion for discovery. The state promptly responded to these filings. In October 2013, the case was marked closed and placed in civil suspense pending a report from the Magistrate Judge.

On March 10, 2015, Sporish filed a petition for a writ of mandamus pursuant to 28 U.S.C. § 1651 with this Court, alleging extraordinary delay in the adjudication of his petition below. Subsequently, on May 7, 2015, the Magistrate Judge denied all of Sporish's outstanding motions and entered a Report & Recommendation recommending that Sporish's habeas petition be denied with prejudice. Accordingly, because Sporish has obtained the relief he requested, the mandamus petition will be dismissed as moot. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996).