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In Re: Abraham Ntreh

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 15-2692

IN RE: ABRAHAM NEE NTREH,
Petitioner

On a Petition for Writ of Mandamus from the
District Court of the Virgin Islands
(Related to D.V.I. Crim. No. 1-02-cr-00007-001)

Submitted Pursuant to Rule 21, Fed. R. App. P.
July 23, 2015

Before: FUENTES, GREENAWAY, JR. and VANASKIE, Circuit Judges

(Opinion filed: August 19, 2015)

OPINION*

PER CURIAM

Abraham Nee Ntneh, proceeding pro se, petitions for a writ of mandamus compelling the District Court of the Virgin Islands to adjudicate his petition for a writ of error coram nobis. We will dismiss the mandamus petition as moot.

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

Ntreh, a Ghanaian national, was convicted in 2003 of unlawful reentry into the United States, and of making false statements to a United States official. Ntreh was sentenced to 14 months in prison and later removed from the United States. We affirmed Ntreh's conviction, vacated his sentence in light of United States v. Booker, 543 U.S. 220 (2005), and remanded for resentencing. United States v. Ntreh, 142 F. App'x 106 (3d Cir. 2005) (non-precedential). After Ntreh was resentenced, we affirmed the District Court's denial of his motion to dismiss the indictment. United States v. Ntreh, 546 F. App'x 105 (3d Cir. 2014) (non-precedential).

On May 27, 2014, Ntreh filed a petition for a writ of error coram nobis in District Court claiming ineffective assistance of counsel. On December 31, 2014, Ntreh filed a mandamus petition in this Court asking us to compel the District Court to rule on his petition. We denied the petition without prejudice to refiling in the event the District Court did not act on the petition within a reasonable time. We noted that the docket reflected that a recusal order had been entered and that the case had recently been reassigned to another District Judge. See C.A. No. 14-4841.

On July 14, 2015, Ntreh filed the present mandamus petition renewing his request that we compel the District Court to rule on his petition for a writ of error coram nobis. The District Court docket reflects that the District Court adjudicated Ntreh's petition on July 17, 2015. Ntreh's request for mandamus relief is thus moot.

Accordingly, we will dismiss the petition for a writ of mandamus.