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11-6-2018

## In Re: Carl Anthony Barnett

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 18-2907

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IN RE: CARL ANTHONY BARNETT,  
Petitioner

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On a Petition for Writ of Mandamus from the  
United States District Court for the District of New Jersey  
(Related to D.N.J. Civ. No. 3-16-cv-07940)

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Submitted Pursuant to Rule 21, Fed. R. App. P.  
September 20, 2018

Before: SMITH, Chief Judge, CHAGARES and BIBAS, Circuit Judges

(Opinion filed: November 6, 2018)

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OPINION\*

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PER CURIAM

Pro se petitioner, Carl Anthony Barnett, seeks a writ of mandamus to compel the District Court to rule on a motion he filed pursuant to 28 U.S.C. § 2255. In an Opinion and an Order entered on October 3, 2018, the District Court denied the motion and declined to issue Barnett a certificate of appealability. In light of the District Court's

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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.

action, this mandamus petition no longer presents a live controversy. Therefore, we will dismiss it 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.”).

If Barnett wishes to seek appellate review of the District Court’s adverse decision with respect to his § 2255 motion, 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)(B).