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In Re: Raymond Winchester

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 20-2511

IN RE: RAYMOND WINCHESTER,
Petitioner

On Petition for Writ of Mandamus from the
United States District Court for the District of Delaware
(Related to D. Del. Civ. No. 1:18-cv-01458)

Submitted Pursuant to Fed. R. App. P. 21
September 3, 2020

Before: MCKEE, SHWARTZ and PHIPPS, Circuit Judges

(Opinion filed: October 5, 2020)

OPINION*

PER CURIAM

Raymond Winchester, proceeding pro se, has filed a petition for a writ of mandamus to compel the United States District Court for the District of Delaware to

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

adjudicate his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. We will dismiss the mandamus petition as moot.

In 2018, Winchester filed a habeas petition in the District Court. Winchester has petitioned this Court twice for mandamus relief based on alleged delay in the District Court proceedings without success. See C.A. Nos. 19-2037, 20-2074. On June 17, 2020, the District Court issued an opinion and order denying habeas relief. Winchester filed an appeal, which is pending. See C.A. No. 20-2513.

On July 15, 2020, Winchester submitted this mandamus petition, which we construe as asking us to direct the District Court to adjudicate his habeas petition. Winchester also filed a collection of documents in this Court. He included a July 7, 2020, letter by the District Court Clerk responding to his request for the status of his habeas case. The letter stated that his case was pending. To the extent this letter may have prompted the filing of the mandamus petition, there is no question that the District Court has adjudicated Winchester's habeas petition. On July 29, 2020, the District Court Clerk sent Winchester another letter stating that his case is closed and that his appeal is pending. Winchester's request for a writ of mandamus compelling a decision by the District Court is moot.

Accordingly, we will dismiss Winchester's mandamus petition.