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In Re: Dean C. Plaskett

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 18-3158

IN RE: DEAN C. PLASKETT,
Petitioner

On Petition for Writ of Mandamus from the
District Court of the Virgin Islands
(Related to D.V.I. Civ. No. 3-17-cv-00067)
District Judge: Ruth Miller

Submitted Pursuant to Fed. R. App. P. 21
October 11, 2018

Before: SMITH, Chief Judge, AMBRO and ROTH, Circuit Judges

(Opinion filed: December 6, 2018)

OPINION*

PER CURIAM

Pro se petitioner Dean C. Plaskett seeks a writ of mandamus to compel the District Court to rule on a petition he filed pursuant to 28 U.S.C. § 2241. A writ of mandamus may be warranted where a district court’s “undue delay is tantamount to a failure to exercise jurisdiction.” See Madden v. Myers, 102 F.3d 74, 79 (3d Cir. 1996). On

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

November 6, 2018, a Magistrate Judge entered a Report and Recommendation concerning Plaskett's § 2241 petition, and Plaskett has since filed objections. Because the case is now moving forward, we find no reason to grant the "drastic remedy" of mandamus relief. See In re Diet Drugs Prods. Liab. Litig., 418 F.3d 372, 378 (3d Cir. 2005). We have full confidence that the District Court will rule on Plaskett's petition within a reasonable time. Accordingly, we will deny Plaskett's mandamus petition.