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In Re: Caleb McGillvary

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BLD-030

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-3068

IN RE: CALEB L. MCGILLVARY,

Petitioner

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. 2-22-cv-04185)

Submitted Pursuant to Rule 21, Fed. R. App. P.
November 17, 2022

Before: AMBRO, KRAUSE, and PORTER, Circuit Judges

(Opinion filed: December 28, 2022)

OPINION*

PER CURIAM

Pro se petitioner Caleb McGillvary filed a petition for a writ of mandamus in this Court asking us to order the District Court to act on the habeas petition he filed under 28 U.S.C. § 2254. He has now filed a motion to withdraw the mandamus petition because

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

the District Court has entered a show cause order in his habeas matter. We accordingly grant McGillvary's motion to withdraw the petition and will enter an order dismissing it.