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11-1-2016

## In Re: Thomas Thorndike

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 16-3493

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IN RE: THOMAS THORNDIKE,  
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. 1-15-cv-02014)

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Submitted Pursuant to Rule 21, Fed. R. App. P.  
October 13, 2016  
Before: MCKEE, JORDAN and RESTREPO, Circuit Judges

(Opinion filed: November 1, 2016)

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OPINION\*

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PER CURIAM

Petitioner Thomas Thorndike seeks a writ of mandamus pursuant to 28 U.S.C. § 1651, to compel the United States District Court for the District of New Jersey to issue a ruling on his habeas petition filed pursuant to 28 U.S.C. § 2241.

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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.

Thorndike filed his petition in March 2015. The Government filed a response to the habeas petition in June 2015, to which Thorndike replied later that same month. At the time Thorndike submitted his mandamus petition to this Court, his habeas petition had been ripe and pending for about fourteen months. However, the record reflects that the District Court denied habeas relief by a Memorandum Opinion and Order entered September 8, 2016, prior to the Clerk's receipt of Thorndike's motion for leave to proceed with this proceeding in forma pauperis. As the District Court has ruled on the habeas petition, Thorndike has received the relief sought in his mandamus petition. Thus, we will dismiss the petition as moot. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996).

If Thorndike wishes to seek appellate review of the District Court's adverse decision with respect to his habeas petition, 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).