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In Re: David James Ward

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 16-3932

IN RE: DAVID JAMES WARD,
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. 2-16-cv-04101)

Submitted Pursuant to Rule 21, Fed. R. App. P.
October 27, 2016

Before: CHAGARES, VANASKIE and KRAUSE, Circuit Judges

(Opinion filed: November 23, 2016)

OPINION*

PER CURIAM

In July 2016, David James Ward filed a motion pursuant to 28 U.S.C. § 2255 in the District of New Jersey. In September 2016, Ward filed a motion for summary judgment. By order and opinion entered on October 18, 2016, the District Court dismissed Ward's § 2255 motion for lack of jurisdiction, and declined to issue a

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

certificate of appealability. Ward now seeks a writ of mandamus, directing the District Court to rule on his motion for summary judgment. Because the District Court has already dismissed Ward's § 2255 motion, we will deny as moot his petition for a writ of mandamus. See In re Austrian & German Holocaust Litig., 250 F.3d 156, 162-63 (2d Cir. 2001) (per curiam) (mandamus petition requesting that court of appeals compel district court action generally may be dismissed as moot upon district court's entry of final order).

constitute binding precedent.