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In Re: Krim M. Ballentine

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11-1674

In re: KRIM M. BALLENTINE,
Petitioner

On a Petition for Writ of Mandamus from the
District Court of the Virgin Islands
(Related to D.V.I. Civ. No. 10-cv-00028)

Submitted Pursuant to Rule 21, Fed. R. App. P.
April 14, 2011

Before: SCIRICA, HARDIMAN and VANASKIE, Circuit Judges

(Opinion filed: April 27, 2011)

OPINION

PER CURIAM

Petitioner Krim M. Ballentine, proceeding pro se, seeks a writ of mandamus compelling the District Court to issue a declaratory judgment, grant a hearing, and respond to his filings and letters. For the reasons that follow, we will deny the petition.

Ballentine filed suit against the defendants in the District Court in March 2010. The defendants filed a motion to dismiss in May 2010. On July 28, 2010, Ballentine filed a motion requesting a hearing. Two months later, on September 30, 2010, Ballentine filed a letter that appears to ask for “someone to answer the questions posed . . .”

Months later, on March 15, 2011, Ballentine filed a petition for a writ of mandamus, seeking a declaratory judgment in the District Court on his then-pending complaint. Ballentine states that he received no response to his “filings and inquiry letters,” and further requests a “pre-trial status hearing or trial; or, a Judgment issue where ‘natural born’ is designated a non-court decision.”

When Ballentine filed this mandamus petition, the District Court had not yet ruled on his motion requesting a hearing or on the defendant’s motion to dismiss. However, on March 22, 2011, the District Court denied the motion for a hearing, and, on March 31, 2011, granted the motion to dismiss the complaint. Because the case has been closed, we will deny the mandamus petition as moot.