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1-9-2014

In Re: Leotis Fowler

Precedential or Non-Precedential: Non-Precedential

Docket 13-4166

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 13-4166

IN RE: LEOTIS FOWLER,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of New Jersey
(Related to D.C. Civ. No. 13-cv-03137)

Submitted Pursuant to Rule 21, Fed. R. App. P.
December 5, 2013

Before: SMITH, HARDIMAN and VAN ANTWERPEN, Circuit Judges

(Opinion filed: January 9, 2014)

OPINION

PER CURIAM

In April 2013, petitioner Leotis Fowler filed a petition pursuant to 28 U.S.C. § 2241 in the United States District Court for the Southern District of New York, seeking a “prompt supervise[d] release revocation hearing.” That Court, recognizing that the sentencing court retains jurisdiction to modify or revoke supervised release, transferred the petition to the United States District Court for the District of New Jersey, the jurisdiction in which the sentence was imposed. In an order entered May 20, 2013, the matter was administratively

terminated for failure to pay the filing fee or to file a completed *in forma pauperis* application. A review of the docket sheet indicates that the order that was sent to Fowler was returned as undeliverable, apparently because it was sent to the wrong address.¹

Fowler, unaware that an order had been entered in the case, filed the instant mandamus petition, alleging delay in the adjudication of his habeas petition and seeking an order directing the District Court to rule in the matter. Since the filing of this petition, Fowler has received a copy of the District Court's order. Because Fowler has received the relief he requested in his mandamus petition, we will deny the mandamus petition as moot. The motion for a refund of the filing fee is granted.

¹ Fowler is incarcerated at FCI-Otisville, in Otisville, New York. His correct address is indicated on the docket, as well as in his habeas petition. Inexplicably, however, the District Court noted in its order that Fowler was located in FCI-Schuylkill in Minersville, Pennsylvania.