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for the Third Circuit

1-5-2006

In Re: Syed Raza

Precedential or Non-Precedential: Non-Precedential

Docket No. 05-5013

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 05-5013

IN RE: SYED I. RAZA,
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. Nos. 05-cv-04159, 05-cv-03437, 05-cv-02291, & 04-cv-04972)

Submitted Under Rule 21, Fed. R. App. Pro.
December 16, 2005

BEFORE: CHIEF JUDGE SCIRICA, WEIS AND GARTH, CIRCUIT JUDGES

Filed January 5, 2006

OPINION

PER CURIAM.

Pro se petitioner Syed I. Raza seeks a writ of mandamus to compel the United States District Court for the District of New Jersey to act on a motion for stay filed in D.N.J. Civ. No. 04-cv-04972, which is Raza's appeal arising from the bankruptcy matter N.J. Bk. No. 03-23667. Raza also filed other appeals from the same bankruptcy case, docketed at D.N.J. Civ. Nos. 05-cv-02291, 05-cv-03437, and 05-cv-04159. His

appeals were filed in District Court on October 13, 2004, April 29, 2005, July 8, 2005, and August 23, 2005. Raza filed this mandamus petition in November 2005.

Mandamus is an appropriate remedy only in the most extraordinary of situations. In re Pasquariello, 16 F.3d 525, 528 (3d Cir. 1994). To justify such a remedy, a petitioner must show that he has (i) no other adequate means of obtaining the desired relief and (ii) a “clear and indisputable” right to issuance of the writ. See Haines v. Liggett Group, Inc., 975 F.2d 81, 89 (3d Cir. 1992) (citing Kerr v. United States District Court, 426 U.S. 394, 402 (1976)).

Raza’s appeals in District Court were pending at the time he submitted this mandamus petition. However, on November 3, 2005, the District Court affirmed the Bankruptcy Court’s orders and dismissed Raza’s pending motions in D.N.J. Civ. Nos. 04-cv-04972, 05-cv-02291, and 05-cv-03437. Further, on November 16, 2005, the District Court affirmed the Bankruptcy Court’s order and dismissed Raza’s pending motions in D. N.J. Civ. No. 05-cv-4159. Thus, the matter before us is moot.

Accordingly, we will deny the petition for a writ of mandamus.