

HPS-94

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 05-1747

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IN RE: AMIN A. RASHID,  
Petitioner

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On a Petition for Writ of Mandamus from the  
United States District Court for the  
Eastern District of Pennsylvania  
(Related to E.D. Pa. Civ. No. 93-cr-00264)

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Submitted Under Rule 21, Fed. R. App. P.  
April 29, 2005

BEFORE: SCIRICA Chief Judge, WEIS and GARTH, Circuit Judges

FILED May 31, 2005

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OPINION

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PER CURIAM.

Pro se petitioner Amin Rashid seeks a writ of mandamus to compel the United States District Court for the Eastern District of Pennsylvania to rule on his motion for reduction of sentence under 18 U.S.C. § 3582(c)(2). Rashid was convicted in 1993 of mail fraud, wire fraud, and money laundering in connection with his involvement in fraudulent commercial loan schemes. Rashid was sentenced to 168 months in prison and

was ordered to pay restitution of \$1,696,470 to his victims. We affirmed the judgment of conviction and sentence on August 4, 1995 in United States v. Rashid, C.A. No. 93-2241.

On April 6, 2004, Rashid filed a motion in the District Court for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2), relying on two amendments to the U.S. Sentencing Guidelines (Amendments 591 and 607). Rashid has filed this mandamus petition seeking to compel the District Court to rule on his motion.

The writ of mandamus is an extraordinary remedy, which is justified only in the presence of exceptional circumstances. Kerr v. United States District Court, 426 U.S. 394, 402 (1976). In order to demonstrate the existence of exceptional circumstances, a petitioner must show that he has no other adequate means of obtaining relief and that he has a clear and indisputable right to issuance of the writ. Id. at 403. In an order entered April 1, 2005, the District Court denied Rashid's motion for reduction of sentence. In light of the District Court's order, Rashid's petition for a writ of mandamus will be denied as moot.