

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12-2170

IN RE: KIT B. LEE,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of New Jersey
(Related to 09-cv-05720)

Submitted Pursuant to Rule 21, Fed. R. App. P.
May 17, 2012
Before: AMBRO, JORDAN and VANASKIE, Circuit Judges

(Opinion filed: May 25, 2012)

OPINION

PER CURIAM

In November 2009, the petitioner, Kit Lee, filed a complaint in the United States District Court for the District of New Jersey against Sunrise Senior Living, Inc., alleging employment discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964. See 42 U.S.C. § 2000e et seq. Lee also asserted a state-law defamation claim. The District Court subsequently dismissed the complaint due to Lee's failure to

comply with several discovery orders. See Fed. R. Civ. P. 37. Upon review, this Court affirmed. Lee v. Sunrise Senior Living, Inc., 455 F. App'x 199 (3d Cir. 2011).

Lee now seeks a writ of mandamus compelling the District Court to rule on the merits of her complaint. Lee contends that our previous order affirming the District Court's dismissal of the complaint created a "judicial stalemate," and argues that we are obligated to "fix the stalemate" by ordering the lower court to reopen proceedings. Lee evidently misunderstands the judicial process; as noted above, the District Court dismissed the complaint pursuant to Rule 37, and this Court affirmed. There is no "stalemate."

Accordingly, we will deny the mandamus petition.