

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 14-1811

IN RE: TERRELL GEE,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of Delaware
(Related to D. Del. Civ. No. 1-11-cv-00416)

Submitted Pursuant to Rule 21, Fed. R. App. P.
May 8, 2014

Before: SMITH, HARDIMAN and NYGAARD, Circuit Judges

(Opinion filed: June 16, 2014)

OPINION

PER CURIAM

Terrell Gee filed this petition for a writ of mandamus seeking an order compelling the District Court to rule on his petition for a writ of habeas corpus. For the reason that follows, we will deny the mandamus petition.

Gee filed a habeas corpus petition in 2011, which the District Court dismissed as time-barred on April 3, 2014. Prior to that disposition, the matter had been pending without action for two years. Gee prepared and mailed his mandamus petition before the

District Court acted on his habeas petition, but the mandamus petition was docketed shortly after the District Court's decision. The Clerk notified Gee that a decision had been issued regarding his habeas petition, but Gee did not seek to withdraw his mandamus petition.

As the District Court has already done what Gee asks this Court to order it to do – rule on his habeas petition – Gee's mandamus petition is moot. See In re Surrick, 338 F.3d 224, 230 (3d Cir. 2003) (noting that “the central question of all mootness problems is whether changes in circumstances that prevailed at the beginning of the litigation have forestalled any occasion for meaningful relief”) (quotation marks omitted). We will therefore deny the mandamus petition.