

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 05-2070

IN RE: RUSSELL ROBINSON,
Petitioner

On a Petition for Writ of Mandamus from the
District Court of the Virgin Islands
(Related to D.V.I. Crim. No. 04-cr-00005-2)

Submitted Under Rule 21, Fed. R. App. Pro.
April 29, 2005
Before: SCIRICA, Chief Judge, WEIS and GARTH, Circuit Judges

Filed: May 27, 2005

OPINION

PER CURIAM.

Russell Robinson asks that we issue a writ of mandamus directing the District Court to rule on his habeas petition seeking pretrial release. We will deny Robinson's request for mandamus relief as moot.

Robinson is detained pending the resolution of federal criminal charges. See United States v. Hendricks, 395 F.3d 173, 184 (3d Cir. 2005) (granting the United States' pretrial appeal and remanding for further proceedings). On March 3, 2005, the District Court filed Robinson's *pro se* habeas petition, which—among other

things—alleged an illegal arrest and prosecutorial misconduct. When Robinson filed his mandamus petition in this court on April 6, 2005, the District Court had not yet acted on his habeas petition. Two days later, however, the District Court denied Robinson’s request.¹ Accordingly, inasmuch as Robinson has now received what he requested (i.e, a ruling by the District Court), his mandamus petition is moot. See, e.g., In re Orthopedic Bone Screw Pros. Liab. Litig., 94 F.3d 110, 111 (3d Cir. 1996) (on mootness).

For the foregoing reasons, we will deny Robinson’s mandamus petition.

¹ The District Court entered the denial of Robinson’s habeas petition on both the criminal docket, D.V.I. Crim No. 04-cr-00005, and under a newly created civil number, D.V.I. Civ. No. 05-cv-00025. The District Court’s order expressly denied relief to the extent that Robinson’s request could be construed as seeking “immediate release from detention, modification of the ‘no bail’ condition, or dismissal of the indictment.” Order, 1.