

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-1001

IN RE: JOHNNIE TAVERAS,
Petitioner

On Petition for Writ of Mandamus from the
District Court of the Virgin Islands
(Related to Civ. No. 05-cv-0132)

Submitted Pursuant to Rule 21, Fed. R. App. P.
January 30, 2008

Before: SCIRICA, Chief Judge, ALDISERT and GARTH, Circuit Judges

(Filed May 27, 2008)

OPINION OF THE COURT

PER CURIAM.

On September 6, 2005, pro se petitioner Johnnie Taveras filed a motion under 28 U.S.C. § 2255 in the District Court of the Virgin Islands. On October 27, 2005, the District Court ordered him to, within thirty days, set forth in writing any reasons why his § 2255 motion should not be dismissed as untimely. Taveras filed a motion for an extension on December 2, 2005. On January 4, 2008, when over two years had passed without any action in his case, Taveras filed the present petition for writ of mandamus

seeking to compel the District Court to rule upon his § 2255 motion and his motion for an extension.

By order entered April 7, 2008, the District Court dismissed Taveras's § 2255 motion as untimely and denied his motion for an extension. Because Taveras has now received the relief he sought in filing his mandamus petition—namely, a ruling on his pending motions—we will deny the petition as moot.