

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-1441

IN RE: ELISTON F. GEORGE,
Petitioner

On Petition for a Writ of Mandamus from the
District Court of the Virgin Islands
(Related to D.V.I. No. 07-cv-0055)

Submitted Pursuant to Rule 21, Fed. R. App. P.
March 31, 2008

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

(Filed: May 21, 2008)

OPINION OF THE COURT

PER CURIAM.

On March 21, 2007, George, a prisoner proceeding pro se, petitioned the District Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging ineffective assistance of counsel and improper jury instructions. On February 12, 2008, George

petitioned this Court for a writ of mandamus, seeking an order compelling the District Court to act upon his habeas corpus petition.

In the intervening time, on January 31, 2008, the District Court entered an order dismissing George's habeas corpus petition. The District Court construed George's petition as a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 and dismissed it as a second or successive § 2255 motion filed without authorization from the Court of Appeals.

Because the District Court has now provided George the relief he sought in his mandamus petition to this Court, i.e., a ruling on his habeas corpus petition, we dismiss his mandamus petition as moot.