

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-1862

IN RE: MICHAEL NITTOLO,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the New Jersey
(Related to 06-cv-00194)

Submitted Pursuant to Rule 21, Fed. R. App. P.
August 29, 2008

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

(Filed: January 13, 2009)

OPINION OF THE COURT

PER CURIAM.

Pro se petitioner Michael Nittolo seeks a writ of mandamus to compel the United States District Court for the District of New Jersey to rule upon his motion to vacate sentence pursuant to 28 U.S.C. § 2255. The District Court entered an order denying Nittolo's § 2255 motion on October 20, 2008. Therefore, we will deny the petition for writ of mandamus as moot.