

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-3820

IN RE: EMMETT NELSON,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Western District of Pennsylvania
(Related to D.C. Civil No. 3:07-cv-00071)

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

Before: SCIRICA, Chief Judge, WEIS AND GARTH, Circuit Judges

(Opinion filed: October 17, 2008)

OPINION

PER CURIAM.

On March 27, 2007, Petitioner Emmett Nelson, a federal prisoner proceeding pro se, petitioned the District Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the computation of his federal sentence. The District Judge referred the petition to a Magistrate Judge. On September 5, 2008, Nelson petitioned this Court for a writ of mandamus, requesting an order compelling the District Court to act

upon his habeas petition. On September 11, 2008, the Magistrate Judge issued a Report recommending denial of Nelson's habeas petition. On September 29, 2008, the District Court adopted the Report and denied Nelson's petition. Given that Nelson has now received the relief he seeks in his mandamus petition – a ruling on his habeas petition – we will deny his mandamus petition, along with his motion for appointment of counsel, as moot.