

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-1457

IN RE: JUAN MOTA,
Petitioner

On a Petition for Writ of Mandamus from the
District Court of the Virgin Islands
Division of St. Thomas
(D.V.I. Civil No. 04-cv-00071)
District Judge: Honorable Curtis V. Gomez

Submitted Pursuant to Rule 21, Fed. R. App. P.
April 9, 2009

Before: SLOVITER, FUENTES and JORDAN, Circuit Judges

(Opinion filed: May 26, 2009)

OPINION

PER CURIAM

In February 2009 Juan Mota filed this pro se mandamus petition seeking an order that the District Court immediately rule upon the motion he filed pursuant to 28 U.S.C. § 2255 four years ago.

Subsequently, on February 9, 2009, the District Court appointed counsel for Mota

and scheduled an evidentiary hearing on his § 2255 motion. That hearing took place on March 17, 2009. The government has filed a memorandum in the District Court and Mota has been given until April 6, 2009 to respond.

The District Court has now proceeded on Mota's § 2255 motion, and we are confident that the court will eventually rule on the motion promptly. Accordingly, we will deny his petition for a writ of mandamus.