

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 20-1160

In re: DENNIS HICKS,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Eastern District of Pennsylvania
(Related to E.D. Pa. Civ. No. 2-07-cr-00083-001)

Submitted Pursuant to Rule 21, Fed. R. App. P.
February 6, 2020
Before: MCKEE, SHWARTZ and PHIPPS, Circuit Judges

(Opinion filed: April 6, 2020)

OPINION*

PER CURIAM

Dennis Hicks is a Pennsylvania prisoner proceeding pro se. On September 19, 2019, he filed a motion to modify his sentence pursuant to 18 U.S.C. § 3582 in the District Court.

Approximately four months later, on January 14, 2010, Hicks filed in this Court a petition for a writ of mandamus. Hicks states that his § 3582 motion has been sitting in

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

the District Court for over three months without a ruling and asks us to compel the District Court to adjudicate it.

We will deny the petition. While issuance of the writ may be warranted when district court proceedings are so protracted as to amount to a failure to exercise jurisdiction, see Madden v. Myers, 102 F.3d 74, 79 (3d Cir. 1996), there is no such protraction here. Cf. id. (holding that eight months of inaction on a motion was insufficient to compel mandamus relief). We are confident that the District Court will adjudicate Hicks's motion in due course.

Accordingly, we will deny the mandamus petition.