

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-2223

IN RE: PAUL E. PAVULAK,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of Delaware
(Related to D.C. Civil Action No. 1:09-cr-00043-001)

Submitted Pursuant to Rule 21, Fed. R. App. P.
August 1, 2024

Before: KRAUSE, FREEMAN, and SCIRICA, Circuit Judges

(Opinion filed August 26, 2024)

OPINION*

PER CURIAM

Federal prisoner Paul Pavulak petitions pro se for a writ of mandamus directing the United States District Court for the District of Delaware to rule on his motion filed

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

pursuant to Federal Rule of Civil Procedure 60(d)(3). **3d Cir. Dkt. No. 1-3, at 3, 11.** On June 28, 2024 (after Pavulak prepared his mandamus petition¹), the District Court dismissed his Rule 60(d)(3) motion for lack of jurisdiction, concluding that the motion constituted an unauthorized second or successive 28 U.S.C. § 2255 motion.² **Dist. Ct. Dkt. No. 216.** Now that the District Court has issued its decision, Pavulak’s mandamus petition no longer presents a live controversy, and thus we will dismiss the petition as moot. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996) (“If developments occur during the course of adjudication that eliminate a plaintiff’s personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot.”). To the extent that Pavulak seeks a hearing in this mandamus action, **3d Cir. Dkt. No. 1-3, at 11**, that request is denied.

¹ Pavulak’s mandamus petition is dated June 15, 2024, but we did not receive it until July 5, 2024. **3d Cir. Dkt. No. 1-3, at 12-13.**

² Pavulak has appealed from that decision. **Dist. Ct. Dkt. No. 217.** That appeal is pending before this Court at C.A. No. 24-2313.