

ALD-232

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12-2829

IN RE: KEITH MANFREDI, Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of New Jersey
(Related to D.N.J. 12-cv-01905)

Submitted Pursuant to Rule 21, Fed. R. App. P.
July 19, 2012
Before: SLOVITER, FISHER and WEIS, Circuit Judges
(Opinion filed: July 31, 2012)

OPINION

PER CURIAM.

Keith Manfredi petitions this Court for a writ of mandamus compelling the United States District Court for the District of New Jersey to rule on a motion for summary judgment. We will deny the petition as moot.

In March of 2012, Manfredi filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2241, challenging a prison disciplinary decision that resulted in the loss of good time credit. On May 14 2012, Manfredi filed a motion for summary judgment. On July 5, 2012, Manfredi filed a petition for a writ of mandamus, requesting that we compel

the District Court to grant him summary judgment. Meanwhile, the District Court ordered the United States to file an answer within thirty days on July 12, 2012, and denied Manfredi's motion without prejudice on July 13, 2012 because it was filed prematurely.

In light of the District Court decision, to the extent Manfredi is asking us to compel a ruling on his motion, the petition is denied as moot. See In re Orthopedic Bone Screw Prod. Liab. Litig., 94 F.3d 110 (3d Cir. 1996). To the extent that Manfredi seeks relief relating to the merits of the claims raised in his habeas petition, mandamus is not an alternative to an appeal. In re Chambers Dev. Co., Inc., 148 F.3d 214. ("A writ of mandamus should not be issued where relief may be obtained through an ordinary appeal"). Besides, the District Court has yet to rule on his §2241 petition.

We will deny the petition for a writ of mandamus.