

Amended ALD-129

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 14-4499

IN RE: DE SHAWN DRUMGO,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of Delaware
(Related to D. Del. Civ. No. 1-12-cv-00127)

Submitted Pursuant to Rule 21, Fed. R. App. P.
March 5, 2015

Before: RENDELL, CHAGARES and SCIRICA, Circuit Judges

(Filed: March 19, 2015)

OPINION*

PER CURIAM

Petitioner De Shawn Drumgo seeks a writ of mandamus to compel the United States District Court for the District of Delaware to issue a ruling on his habeas petition, which he filed in January 2012. Drumgo also has filed a motion for recusal of the District Judge and a motion for appointment of counsel.

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

The State filed a response to the habeas petition in December 2012. At the time Drumgo submitted his mandamus petition to this Court, his habeas petition had been pending for about two years. However, the record reflects that the District Court denied habeas relief by order entered December 10, 2014, prior to the Clerk's receipt of the proof of service of this petition required under Fed. R. App. P. 21(a)(1). Drumgo has filed a notice of appeal from the District Court's order, and his appeal is pending at C.A. No. 14-4825.

Given that the District Court has ruled on the habeas petition, Drumgo has received the relief sought in his mandamus petition. Thus, we will dismiss the petition as moot. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996). No action can be taken the motion for recusal. Recusal motions are directed to a particular judge and thus should be filed in the case in which the matter is proceeding. As we have explained, the case related to this mandamus petition is no longer pending before the District Judge whose recusal Drumgo seeks. The motion for appointment of counsel is denied.