

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF ERIC GARNETT § No. 78, 2008
FOR A WRIT OF MANDAMUS §

Submitted: February 27, 2008
Decided: May 28, 2008

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

ORDER

This 28th day of May 2008, upon consideration of Eric Garnett's petition for a writ of mandamus and the State's response and motion to dismiss, it appears to the Court that:

(1) Garnett has filed a petition seeking to invoke the original jurisdiction of this Court to issue a writ of mandamus to compel the Superior Court Prothonotary to docket two petitions for postconviction relief, which Garnett claimed to have filed in June 2007 and November 2007. Garnett's petition also requests that the clerks involved be disciplined and that he be awarded \$25.00 as reimbursement for the extra costs he incurred in corresponding with the Superior Court about his missing petitions.

(2) In its motion to dismiss, the State contends that Garnett's motions, in fact, were docketed and that the Superior Court denied both motions on February 19, 2008. Accordingly, the State argues that Garnett's petition is moot. We agree. In light of the Superior Court's action on

Garnett's motions, it is clear that his petition for a writ of mandamus is moot.

NOW, THEREFORE, IT IS ORDERED that Garnett's petition for a writ of mandamus is DISMISSED as moot.

BY THE COURT:

/s/ Jack B. Jacobs
Justice