

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

KAREEM JAMAL CURRENCE,

Petitioner,

v.

Civil Action No. **3:20CV376**

UNITED STATES DISTRICT COURT, et al.,

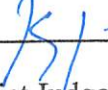
Respondent.

MEMORANDUM OPINION

On May 27, 2020, the Court received a Petition for a Writ of Mandamus Pursuant to 28 U.S.C. § 1651(a) filed by Kareem Jamal Currence. (“Petition for Writ of Mandamus,” ECF No. 1.) In the Petition for Writ of Mandamus, Currence seeks a ruling by the Court on a pending Federal Rule of Criminal Procedure 33 motion in his criminal action, Criminal No. 3:05CR231. (ECF No. 1, at 1–2.) Currence’s motion is clearly labeled with the header, “UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT,” and Currence, therefore, should have mailed his Petition for Writ of Mandamus to the Fourth Circuit, not to this Court. Moreover, a review of the record in his criminal case reveals that Currence’s action is currently pending on appeal with the Fourth Circuit. This Court cannot rule on a Rule 33 motion until the appeal has been resolved. *See* Fed. R. Crim P. 33(b)(1). Accordingly, the Petition for Writ of Mandamus action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 15 June 2020
Richmond, Virginia

/s/ 

John A. Gibney, Jr.
United States District Judge