

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION §
OF JOSE RODRIGUEZ FOR A WRIT § No. 366, 2008
OF MANDAMUS. § Cr. ID No. 9802009528

Submitted: July 28, 2008
Decided: October 3, 2008

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

ORDER

This 3rd day of October 2008, upon consideration of Jose Rodriguez’ petition for a writ of mandamus and the State’s answer and motion to dismiss, it appears to the Court that:

(1) Rodriguez has filed a petition seeking the issuance of a writ of mandamus to the Superior Court. Rodriguez claims that the Superior Court has failed or refused to rule upon his “motion for hearing V.O.P. and detainer of fugitive warrant in absentia” (“motion”).

(2) The State contends that Rodriguez’ motion was denied on July 21, 2008, and that the mandamus petition is moot. We agree. In view of the Superior Court’s action on Rodriguez’ motion, it is clear that his petition for a writ of mandamus is moot.

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice