

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE § No. 276, 2006
PETITION OF JAMES ALLEN § C.A. No. 06M-05-130
FOR A WRIT OF MANDAMUS. § Cr. ID No. 0208020748

Submitted: June 26, 2006
Decided: August 21, 2006

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

ORDER

This 21st day of August 2006, the Court has considered the petition for a writ of mandamus filed by James Allen and the answer and motion to dismiss filed by the State of Delaware. Allen's mandamus petition seeks to compel the Superior Court to rule on his petition for a writ of habeas corpus filed on May 26, 2006. By order docketed on June 16, 2006, the Superior Court denied Allen's habeas petition.* In view of the Superior Court's order, Allen's petition for a writ of mandamus in this Court 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

* *Allen v. Carroll*, Del. Super. Ct., C.A. No. 06M-05-130, Toliver, J. (June 12, 2006). Allen's appeal from the decision is proceeding as *Allen v. Carroll*, Del. Supr., No. 325, 2006.