

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF JAMES ALLEN § No. 465, 2006
FOR A WRIT OF MANDAMUS §

Submitted: September 19, 2006
Decided: October 31, 2006

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 31st day of October 2006, the Court has considered the petition of James Allen for a writ of mandamus, as well as the State's answer and motion to dismiss. Allen's writ complains that the Superior Court is forcing him to proceed pro se at his upcoming criminal re-trial. Presumably, Allen is requesting that counsel be appointed to represent him. The Superior Court docket reflects that substitute counsel was appointed to represent Allen on September 18, 2006. Accordingly, Allen's mandamus petition is moot.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice