

HLD-009

**NOT PRECEDENTIAL**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 17-2770

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IN RE: HERNAN NAVARRO,  
Petitioner

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On a Petition for Writ of Mandamus from the  
District Court of the Virgin Islands  
(Related to D.V.I. Crim. No. 1-99-cr-00016-003 & D.V.I. Civ. No. 1-11-cv-00112)  
District Judge: Honorable Wilma A. Lewis

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Submitted Pursuant to Rule 21, Fed. R. App. P.  
August 24, 2017

Before: SMITH, Chief Judge, MCKEE and RENDELL, Circuit Judges

(Opinion filed: November 2, 2017)

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OPINION\*

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PER CURIAM

Hernan Navarro has filed a petition for a writ of mandamus, alleging that the District Court of the Virgin Islands had failed to rule on his motion filed under 28 U.S.C. § 2255. On August 31, 2017, the Magistrate Judge entered a Report and Recommendation concerning Navarro's § 2255 motion and advised Navarro that he could file objections

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

within fourteen days. Although mandamus may be warranted when a district court's "undue delay is tantamount to a failure to exercise jurisdiction," see Madden v. Myers, 102 F.3d 74, 79 (3d Cir. 1996), the case is now moving forward and we find no reason to grant the extraordinary relief of mandamus, see In re Diet Drugs Prods. Liab. Litig., 418 F.3d 372, 378 (3d Cir. 2005). We have full confidence that the District Court will rule within a reasonable time after the expiration of Navarro's time to submit objections (and any extension thereof). The petition will thus be denied.