

AMENDED HLD-003

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 18-3403

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IN RE: JOHN DOUGLAS PARKER,  
Petitioner

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On a Petition for Writ of Mandamus from the  
United States District Court for the Eastern District of Pennsylvania  
(Related to E.D. Pa. Crim. No. 5:08-cr-00534-001)

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Submitted Pursuant to Rule 21, Fed. R. App. P.  
December 27, 2018

Before: SMITH, Chief Judge, AMBRO and ROTH, Circuit Judges

(Opinion filed: July 12, 2019)

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OPINION\*

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PER CURIAM

Federal prisoner John Douglas Parker filed a pro se mandamus petition, asking us to direct the United States District Court for the Eastern District of Pennsylvania to rule on his Federal Rule of Civil Procedure 60(b) motion, which he had filed in January 2018 in

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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.

connection with his 28 U.S.C. § 2255 proceedings. Parker subsequently filed two more mandamus-related documents in our Court.<sup>1</sup> It appeared from those documents that he was under the mistaken impression that we had already issued a writ of mandamus in this case, and he asked that we either enforce that writ or grant him permission to petition our Court or the United States Supreme Court to rule on his Rule 60(b) motion.

On July 9, 2019, we entered an order that (1) directed the Government and invited the District Court to respond to Parker’s mandamus petition, and (2) stated that Parker’s mandamus filings would be held in abeyance pending the response(s). That same day, the District Court denied his Rule 60(b) motion. Because Parker has now obtained the relief that he seeks in this mandamus action — a ruling on his Rule 60(b) motion — we hereby vacate our July 9, 2019 order, and we will dismiss his mandamus petition and his two related filings as moot. See *Blanciak v. Allegheny Ludlum Corp.*, 77 F.3d 690, 698-99 (3d Cir. 1996) (“If developments occur during the course of adjudication that eliminate a plaintiff’s personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot.”).

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<sup>1</sup> The first document was titled “Enforcement of Original Writ of Mandamus,” and the second was titled “Second Request for a Writ of Mandamus.”