

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 20-2942

IN RE: Raheem Louis,

Petitioner

On a Petition for Writ of Mandamus from the
District Court of the Virgin Islands
(Related to Crim. No. 11-cr-00023-002)

Submitted Pursuant to Rule 21, Fed. R. App. P.
January 7, 2021

Before: AMBRO, SHWARTZ and PORTER, Circuit Judges

(Opinion filed January 13, 2021)

OPINION*

PER CURIAM

Raheem Louis has filed a petition for a writ of mandamus. For the reasons below, we will deny the petition.

Louis was convicted of carjacking, robbery, unauthorized use of a vehicle, and possession of stolen property in the District Court of the Virgin Islands. In 2013, he was

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

sentenced to 140 months in prison. We affirmed his conviction and sentence on appeal. See United States v. Louis, 596 F. App'x 167 (2015). In July 2018, Louis filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. Two weeks later, a Magistrate Judge recommended that the § 2255 motion be dismissed as untimely. Louis then filed objections. The District Court has not yet acted on the § 2255 motion but has acted on other motions filed by Louis.

In September 2020, Louis filed a “Motion under Federal Question Jurisdiction” which we construe as a petition for a writ of mandamus. He noted that he had filed a § 2255 motion in July 2018 and that it was still pending. We infer that Louis seeks an order directing the District Court to act on his § 2255 motion.

The writ of mandamus will issue only in extraordinary circumstances. See Sporck v. Peil, 759 F.2d 312, 314 (3d Cir. 1985). As a general rule, the manner in which a court disposes of cases on its docket is within its discretion. See In re Fine Paper Antitrust Litig., 685 F.2d 810, 817 (3d Cir. 1982). Nonetheless, mandamus may be warranted where a District Court's delay is tantamount to a failure to exercise jurisdiction. See Madden v. Myers, 102 F.3d 74, 79 (3d Cir. 1996).

Since the filing of his § 2255 motion, Louis has inundated the District Court with numerous motions, petitions for writs, and notices to the District Court, including four motions to prove that he was “legally dead.” While we are concerned about the delay in addressing the § 2255 motion, we are confident that the District Court will decide the motion within a reasonable time.

For the above reasons, we will deny the petition without prejudice to refiling if no action is taken on the § 2255 motion by the District Court within ninety days.