

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 14, 2020

Christopher M. Wolpert
Clerk of Court

In re: AARON ELLIOTT,

Petitioner.

No. 19-4136
(D.C. No. 1:17-CV-00120-DN)
(D. Utah)

ORDER

Before **HOLMES**, **BACHARACH**, and **CARSON**, Circuit Judges.

Aaron Elliott, proceeding pro se, filed a petition for a writ of mandamus seeking an order directing the United States District Court for the District of Utah to take action on his pending motion for relief under 28 U.S.C. § 2255. On January 13, 2020, the district court granted Mr. Elliott's motion to supplement his § 2255 motion and ordered the government to respond to the § 2255 motion within 60 days. Because the district court has taken action on Mr. Elliott's § 2255 motion, we dismiss as moot his petition for a writ of mandamus. We grant Mr. Elliott's motion for leave to proceed on appeal without prepayment of costs or fees.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk