

HLD-090

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 10-1356

IN RE: MELVIN R. PETERSEN,
Petitioner

On a Petition for Writ of Mandamus from the
District Court of the Virgin Islands
(Related to: D.V.I. Civ. No. 96-cr-0261)

Submitted Pursuant to Rule 21, Fed. R. App. P.
February 25, 2010
Before: SCIRICA, Chief Judge, WEIS and GARTH, Circuit Judges
Opinion filed

OPINION

PER CURIAM.

Petitioner Melvin Petersen, a prisoner proceeding pro se, seeks a writ of mandamus compelling the District Court to rule on his motion for resentencing pursuant to 18 U.S.C. § 3582.

Petersen filed his first petition for a writ of mandamus in July 2009, arguing that the District Court had not acted on his motion for rescheduling. We denied the

petition as moot after the District Court appointed counsel and scheduled resentencing for October 7, 2009. Petersen was unable to attend as directed. He then filed a motion to reschedule resentencing, on November 6, 2009, and a second motion for resentencing, on December 15, 2009.

Petersen filed this (his second) mandamus petition on February 3, 2010. By an order entered on February 4, 2010, the District Court granted Petersen's motion for resentencing and reduced his sentence from 240 months to 151 months. Because Petersen has now received the relief he sought in filing his mandamus petition, we will deny this mandamus petition as moot.