

*AMENDED DLD-197

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 13-1592

IN RE: DELGARDO SCOTT,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Western District of Pennsylvania
(Related to W.D. Pa. Crim. No. 02-cr-00073)

Submitted Pursuant to Rule 21, Fed. R. App. P.
April 18, 2013
Before: AMBRO, SMITH and CHAGARES, Circuit Judges

(Opinion filed: July 11, 2013)

OPINION

PER CURIAM

Petitioner Delgado Scott is a federal inmate. He has filed a petition for writ of mandamus, dated February 27, 2013, asking us to compel the District Court to issue a ruling on the motion to dismiss that he filed in his criminal case. Scott identified the motion to dismiss by certified mail number, and the record shows that the motion was signed and mailed on October 24, 2012, and filed on the docket on October 26, 2012.

Scott already has received the relief he seeks in his mandamus petition, as the District Court denied the motion to dismiss by order entered November 8, 2012. Thus, the matter is

moot. See County of Morris v. Nationalist Movement, 273 F.3d 527, 533 (3d Cir. 2001). Because the District Court has adjudicated Scott's motion, and there is no need for our intervention, we will deny the petition for a writ of mandamus. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996).¹

¹ Within this mandamus action, Scott has also filed documents, including Petitions To Dismiss, in which he seeks, among other things, dismissal of his criminal proceedings and immediate release from incarceration. We decline to rule on these documents. To the extent that he wishes to pursue a collateral attack on the judgment and sentence in his criminal case, he must pursue such relief in the District Court. Insofar as Scott may be objecting to the District Court's ruling on his motion to dismiss filed in District Court, it is not appropriate for us to issue relief via mandamus in lieu of an appeal. See, e.g., In re Baldwin, 700 F.3d 122, 127 (3d Cir. 2012); In re Kensington Int'l Ltd., 353 F.3d 211, 219 (3d Cir. 2003).