

ALD-016

October 25, 2018

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **18-2906**

IN RE: ROBERT B. LYNN, Petitioner

(Related to W.D. Pa. Crim. No. 2-09-cr-00279-003)

Present: MCKEE, SHWARTZ and BIBAS, Circuit Judges

Submitted is Petitioner's petition for a writ of mandamus in the above-captioned case.

Respectfully,
Clerk

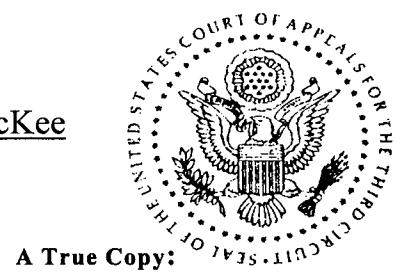
ORDER

Petitioner's petition for a writ of mandamus is denied, for he has not met the standard for this extraordinary relief. See Hollingsworth v. Perry, 558 U.S. 183, 190 (2010) (per curiam); In re Diet Drugs Prods. Liab. Litig., 418 F.3d 372, 378 (3d Cir. 2005). Petitioner seeks the writ in connection with (1) a March 15, 2011 ex-parte conference conducted by the District Court in his criminal case, and (2) the District Court's order, entered on March 16, 2011, that was the product of that conference. But Petitioner has failed to show that he has a clear and indisputable right to the issuance of the writ; nor has he demonstrated that it would be appropriate to issue the writ in this situation. See Hollingsworth, 558 U.S. at 190. The District Court's March 16, 2011 order did not affect Petitioner in any way — as the District Court has repeatedly explained to Petitioner, that order concerned the legal-defense funds of one of Petitioner's co-defendants, not Petitioner's funds — and there is no indication that the March 15, 2011 conference affected Petitioner either. To the extent that Petitioner challenges the District Court's July 24, 2018 decision denying his recusal motion brought pursuant to 28 U.S.C. § 455(a), he has failed to show that the District Court's ruling there amounted to an abuse of discretion, see United States v. Ciavarella, 716 F.3d 705, 717 n.4 (3d Cir. 2013); see also 28 U.S.C. § 455(a).

By the Court,

s/ Theodore A. McKee
Circuit Judge

Dated: November 7, 2018



Patricia S. Dodsweit
Patricia S. Dodsweit, Clerk

kr/cc: Robert B. Lynn
Laura S. Irwin, Esq.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 18-2906

In re: ROBERT B. LYNN,
Petitioner

ON PETITION FOR WRIT OF MANDAMUS
FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

(Related to No. 2-09-cr-00279-003)

SUR PETITION FOR REHEARING

Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN, HARDIMAN, GREENAWAY, JR., VANASKIE, SHWARTZ, KRAUSE, RESTREPO, BIBAS, and PORTER, Circuit Judges

The petition for rehearing filed by petitioner in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Theodore A. McKee
Circuit Judge

Dated: December 10, 2018

Lmr/cc: Robert B. Lynn

Laura S. Irwin

**Additional material
from this filing is
available in the
Clerk's Office.**