

W.D.N.Y.
17-cr-6032
21-cv-6607
Geraci, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of January, two thousand twenty-three.

Present:

Pierre N. Leval,
José A. Cabranes,
William J. Nardini,
Circuit Judges.

In re Joseph W. Peeples, III,


22-2469


Petitioner.

Petitioner, pro se, has filed a petition for a writ of mandamus and moves for in forma pauperis ("IFP") status. Upon due consideration, it is hereby ORDERED that the IFP motion is GRANTED for the purpose of filing the mandamus petition. As to the portion of the petition seeking to compel the district court to rule on Petitioner's 28 U.S.C. § 2255 motion, it is further ORDERED that the mandamus petition is DENIED without prejudice to renewal, if the district court fails to take action on the pending motion within a reasonable time.

As to the remaining portion of the petition, it is ORDERED that the mandamus petition is DENIED because Petitioner has not demonstrated that exceptional circumstances warrant the requested relief. See *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380-81 (2004).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court


Catherine O'Hagan Wolfe



**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9th day of May, two thousand twenty-three.

In Re: Joseph W. Peeples, III
Petitioner.

Joseph W. Peeples, III,

Petitioner,

AMENDED ORDER

Docket No: 22-2469

v.

United States of America,



Respondent.

Petitioner, Joseph W. Peeples, III, filed a motion for panel reconsideration, or, in the alternative, for reconsideration *en banc*. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court have considered the request for reconsideration *en banc*.

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

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