

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-3039

IN RE: DWIGHT CAMPBELL,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court
for the Western District of Pennsylvania
(Related to Nos. 3:20-cv-00151 & 3:20-cv-00228)

Submitted Pursuant to Fed. R. App. P. 21
on December 27, 2024

Before: BIBAS, PORTER, and MONTGOMERY-REEVES, Circuit Judges
(Opinion filed: January 8, 2025)

OPINION*

PER CURIAM

Dwight Campbell, an inmate at SCI Huntingdon, has filed a petition for a writ of mandamus. Campbell has filed suits in federal court claiming injuries related to his child custody and criminal proceedings in Blair County, Pennsylvania. The District Court dismissed

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

those suits, and we later affirmed those dismissals. *See* CA Nos. 22-1894 & 22-1903. His mandamus petition presents a sprawling narrative of his negative interactions with law enforcement in Blair County from 2015 to 2022, but the only relief he requests from this Court is to facilitate the filing of criminal charges against the listed defendants. We will deny the petition.

Mandamus is an extraordinary remedy granted only when a party has no other adequate means to obtain the desired relief, the party's right to the relief is "clear and indisputable," and "the writ is appropriate under the circumstances." *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam) (quotation marks omitted).

Mandamus relief is clearly not warranted here. There is no clear and indisputable right to require the government to initiate criminal proceedings. *Linda R.S. v. Roland D.*, 410 U.S. 614, 619 (1973); *see also United States v. Berrigan*, 482 F.2d 171, 173-74 (3d Cir. 1973) (explaining that the government is permitted some selectivity in its enforcement of criminal laws). And though Campbell cites the Crime Victims' Rights Act (CVRA) in his petition, he has not been denied any right under the CVRA that could form the basis for mandamus relief in this Court because his only request in the petition is for this Court to facilitate a prosecution—an action which is contrary to the statute. *See* 18 U.S.C. § 3771(d)(6) ("Nothing in this chapter shall be construed to impair the prosecutorial discretion of the Attorney General or any officer under his direction."); *cf. In re Wild*, 994 F.3d 1244, 1257 (11th Cir. 2021) (holding that § 3771(d) "does not create a private right of action by which a victim can initiate a freestanding lawsuit, wholly unconnected to any preexisting criminal prosecution").

Furthermore, to the extent that Campbell objects generally to the District Court's dismissal of his related civil complaints, a petition for writ of mandamus is not a substitute for an appeal, *see Gillette v. Prosper*, 858 F.3d 833, 841 (3d Cir. 2017), and in any event, he has already appealed those dismissals in this Court and lost. *See* CA Nos. 22-1894 & 22-1903. And to the extent that Campbell seeks this Court's intervention in any of the pending or completed state court criminal actions in which he is a defendant, we lack authority to grant such relief. *See In re Richards*, 213 F.3d 773, 781 (3d Cir. 2000) (explaining that, ordinarily, federal courts of appeal "lack appellate jurisdiction over their state counterparts, thus making writs of mandamus generally inappropriate"); *White v. Ward*, 145 F.3d 1139, 1140 (10th Cir. 1998) (per curiam) (explaining that a federal court "lack[s] jurisdiction to direct a state court to perform its duty").

Accordingly, we will deny the petition for writ of mandamus.¹

¹ The motion for appointment of counsel is denied. The motion "to enforce rights of crime victim pursuant to 18 U.S.C. 3771" is also denied, for the same reasons detailed above.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-3039

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(Related to D.C. Nos. 3:20-cv-00151 & 3:20-cv-00228)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, and HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, and CHUNG, Circuit Judges

The petition for rehearing filed by Petitioner in the above-captioned 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/Stephanos Bibas
Circuit Judge

Dated: February 24, 2025
Lmr/cc: Dwight Campbell

ALD-142-E

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1705

IN RE: DWIGHT CAMPBELL,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Western District of Pennsylvania
(Related to 3:20-cv-00151 & 3:20-cv-00228)

Submitted Pursuant to Rule 21, Fed. R. App. P.
May 6, 2025

Before: BIBAS, PORTER, and MONTGOMERY-REEVES, Circuit Judges

ORDER

PER CURIAM:

This cause came to be considered on a petition for writ of mandamus submitted on May 6, 2025. On consideration whereof, it is now hereby

ORDERED by this Court that the petition for writ of mandamus be, and the same is, denied. All of the above in accordance with the opinion of the Court.

DATED: May 8, 2025



A True Copy:

A handwritten signature in black ink that appears to read "Patricia S. Dodzuweit".

Patricia S. Dodzuweit, Clerk

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1705

IN RE: DWIGHT CAMPBELL,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Western District of Pennsylvania
(Related to 3:20-cv-00151 & 3:20-cv-00228)

Submitted Pursuant to Rule 21, Fed. R. App. P.
May 6, 2025

Before: BIBAS, PORTER, and MONTGOMERY-REEVES, Circuit Judges

(Opinion filed May 8, 2025)

OPINION*

PER CURIAM

Dwight Campbell, proceeding pro se, has filed a petition for a writ of mandamus.

We will deny the petition.

Campbell filed lawsuits in the United States District Court for the Western District of Pennsylvania, raising claims related to state court criminal proceedings that had been

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brought against him in Blair County, Pennsylvania. The District Court dismissed those cases, and we affirmed. See C.A. Nos. 22-1894; 22-1903.

In his mandamus petition, Campbell asks us to require that federal criminal charges be brought against individuals who he claims violated his rights in connection with the criminal proceedings. It is well-settled, however, that there is no clear and indisputable right to require the government to initiate criminal proceedings. See Linda R.S. v. Roland D., 410 U.S. 614, 619 (1973); cf. Inmates of Attica Corr. Facility v. Rockefeller, 477 F.2d 375, 379 (2d Cir. 1973) (affirming dismissal of a complaint in mandamus to compel the United States Attorney to investigate, arrest, and prosecute state officials for committing federal offenses). Moreover, to the extent that Campbell challenges the District Court's dismissal of his civil lawsuits, a petition for writ of mandamus is not a substitute for an appeal. See In re Briscoe, 448 F.3d 201, 212 (3d Cir. 2006). Campbell's lack of success in his appeals of those dismissals does not mean that there is no mechanism to seek relief. Furthermore, we cannot intervene in any pending or completed state court criminal actions in which Campbell is a defendant. See In re Richards, 213 F.3d 773, 781 (3d Cir. 2000) (explaining that, ordinarily, federal courts of appeal "lack appellate jurisdiction over their state counterparts, thus making writs of mandamus generally inappropriate"). Finally, although Campbell cites the Crime Victims' Rights Act (CVRA) in his petition, he has not alleged that he has been denied any right under the CVRA that could form the basis for mandamus relief. Cf. United States v. Moussaoui, 483 F.3d 220, 234 (4th Cir. 2007) (explaining that "[t]he rights codified by the CVRA . . . are limited to the criminal justice process").

For the above reasons, we will deny the mandamus petition.