

APPENDICES
to
Petition for Writ of Mandamus

In Re Joseph Cammarata — October Term 2025

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Appendix Title / Description

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Joseph Cammarata
Reg. No. 02555-506
Federal Prison Camp Montgomery
1001 Willow Street
Montgomery, AL 36112
(Petitioner, pro se)

Appendix A

Orders and Judgments Below District Court and Third Circuit

APPENDIX A – ORDERS AND JUDGMENTS BELOW (Rule 20.3)

Third Circuit Case No. 23-2110 – Criminal Appeal (E.D. Pa. No. 21-cr-427)

Order 1 – ECF 60 in 23-2110– Feb 24 2025

Title: Judgment of the Court affirming conviction and sentence.

Description: Per curiam order affirming the district-court judgment despite controlling precedent establishing lack of jurisdiction and constitutional violations.

Order 2 – ECF 70 in 23-2110– May 1 2025

Title: Order denying motion for review of panel memorandum (ECF 59).

Description: Denied motion identifying material misstatements of fact, refusal to apply *Sprint v. APCC Services*, 554 U.S. 269 (2008), and violations of Rule 5(f).

Order 3 – ECF 78 in 23-2110– July 22 2025

Title: Judgment reaffirming prior order of affirmance.

Description: Reissued affirmance maintaining the same jurisdictional errors and omissions of controlling authority.

Order 4 – ECF 83 in 23-2110– Aug 12 2025

Title: Order denying petition for rehearing en banc.

Description: Denied full-court review despite direct conflict with Supreme Court precedent and statutory mandates under Rule 5(f).

Order 5 – ECF 86 in 23-2110 – Sept 29 2025

Title: Order denying Rule 12(b)(2) Motion to Dismiss for Lack of Subject-Matter Jurisdiction.

Description: Denied motion raising fundamental jurisdictional defects contrary to *Ex parte Perkins*, 18 U.S. (5 Wheat.) 343 (1820), and *Luis v. United States*, 578 U.S. 5 (2016).

Order 6 – ECF 88 in 23-2110 – Oct 14 2025

Title: Order denying renewed Rule 12(b)(2) Motion for Lack of Jurisdiction and Failure to Apply Controlling Law.

Description: Reaffirmed denial without addressing controlling law, including Sprint v. APCC Services, Mooney v. Holohan, and Offutt v. United States.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-2110

UNITED STATES OF AMERICA

v.

JOSEPH CAMMARATA,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
District Court No. 2:21-cr-00427-001
District Judge: Honorable Chad F. Kenney

Argued September 19, 2024

Before: RESTREPO, McKEE, and SMITH, *Circuit Judges*

JUDGMENT

This cause came on to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was argued on September 19, 2024.

On consideration whereof, it is now hereby ADJUDGED and ORDERED that the judgment of the District Court entered June 8, 2023, be and the same is hereby AFFIRMED IN PART AND VACATED IN PART. This matter is REMANDED for further proceedings. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit

Clerk

Dated: February 24, 2025

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 23-2110

United States v. Cammarata

To: Clerk

- 1) Appellant's Pro-Se "Addendum to Petition for Rehearing to Address Critical Legal Errors, Omissions, and Oversight by the Panel Opinion," emailed by third party on April 30, 2025

The foregoing document has been placed on this Court's docket, but no further action will be taken on it. Any petition for rehearing was due in March. The appellant is represented by privately retained counsel, who filed a timely petition for rehearing. That petition is pending with the Court. Petitions for rehearing are expected to be complete and in final form when filed. Untimely amendments and supplements to existing petitions are not permitted (unless the Court grants a motion to allow them). Furthermore, while represented by counsel, the appellant may not file pro-se motions, briefs, and other documents. See 3d Cir. L.A.R. 27.8 & 31.3. The appellant's "addendum" to the petition for rehearing is therefore referred to counsel for whatever action counsel deems appropriate.

For the Court,

s/ Patricia S. Dodszeit
Clerk

Dated: May 1, 2025
Amr/cc: all counsel of record

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-2110

UNITED STATES OF AMERICA

v.

JOSEPH CAMMARATA,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(District Court No. 2:21-cr-00427-001)
District Judge: Honorable Chad F. Kenney

Argued September 19, 2024

Before: RESTREPO, McKEE, and SMITH, *Circuit Judges*

JUDGMENT

This cause came on to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was argued on September 19, 2024.

On consideration whereof, it is now hereby **ADJUDGED** and **ORDERED** that the judgment of the District Court entered June 8, 2023, be and the same is hereby **AFFIRMED IN PART** and **VACATED IN PART**. This matter is **REMANDED** for

further proceedings. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: July 22, 2025

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT _____ No. 23-2110

_____ UNITED STATES OF AMERICA v. JOSEPH CAMMARATA, Appellant

_____ (District Court No. 2:21-cr-00427-001)

_____ SUR PETITION FOR REHEARING _____

Before: CHAGARES, Chief Judge, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG, McKEE, and SMITH*, Circuit Judges
The petition for rehearing filed by appellant 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 panel and the Court en banc, is denied.

_____ *The votes of the Honorable Theodore A. McKee and the Honorable D. Brooks Smith, Senior Judges of the United States Court of Appeals for the Third Circuit, are limited to panel rehearing. Case: 23-2110 Document: 83 Page: 1 Date Filed: 08/12/2025 BY THE COURT, s/D. Brooks Smith Circuit Judge Dated: August 12, 2025 Amr/cc: All counsel of record

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 23-2110

United States of America

v.

Joseph Cammarata,
Appellant

(E.D. Pa. No. 2:21-cr-00427-001)

Present: RESTREPO, MCKEE, and SMITH, Circuit Judges

1. MOTION by Appellant Joseph Cammarata to Dismiss Indictment and Vacate Conviction for Lack of Subject-Matter Jurisdiction Under Fed. R. Crim. P. 12(b)(2), with Request to Recall the Mandate.

Respectfully,
Clerk/amr

ORDER

The foregoing MOTION by Appellant Joseph Cammarata to Dismiss Indictment and Vacate Conviction for Lack of Subject-Matter Jurisdiction Under Fed. R. Crim. P. 12(b)(2), with Request to Recall the Mandate is DENIED.

By the Court,

s/D. Brooks Smith
Circuit Judge

Dated: September 29, 2025
Amr/Cc: All counsel of record

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 23-2110

USA

v.

Joseph Cammarata,
Appellant

(E.D. Pa. No. 2:21-cr-00427-001)

Present: RESTREPO, MCKEE and SMITH, Circuit Judges

1. Petition for Rehearing en banc filed by Appellant Joseph Cammarata treated as a Motion for Reconsideration pursuant to I.O.P. 10.3.3 and Motion to Supplement the Record.

Respectfully,
Clerk/amr

ORDER

The foregoing Petition for Rehearing en banc filed by Appellant Joseph Cammarata, which is treated as a Motion for Reconsideration pursuant to I.O.P. 10.3.3 of the September 29, 2025 Order, and the foregoing Motion to Supplement the Record are DENIED.

By the Court,

s/D. Brooks Smith
Circuit Judge

Dated: October 14, 2025
Amr/cc: All counsel of record

Third Circuit Case No. 24-1381 – SEC Appeal (E.D. Pa. No. 21-cv-4845)

Order 1 – ECF 320 in 21-cv-4845 – Aug 31 2023 Title: Order Granting Summary Judgment for the SEC.

Description: Entered summary judgment without notice or service of the motion while Petitioner's own summary-judgment motion (ECF 183) remained pending, violating Rule 56 and Celotex v. Catrett, 477 U.S. 317 (1986).

Order 2 – ECF 348 in 21-cv-4845 – Jan 23 2024 Title: Order Denying Motion for Recusal (denying ECF 345).

Description: Issued the same day as final judgment, denying recusal despite clear and undeniable conflicts under 28 U.S.C. § 455(a)–(b). Rather than disqualify himself after being directly called out for bias and conflicts of interest, the presiding judge retaliated by refusing to step aside and simultaneously entering final judgment in favor of the SEC.

Order 3 – ECF 352 in 21-cv-4845 – Jan 23 2024 Title: Final Judgment.

Description: Entered on the same day as the recusal denial, granting final judgment on a wholly improper basis of collateral estoppel. This concurrent issuance underscores the appearance of bias and retaliatory motive, violating § 455 and due process under the Fifth Amendment.

Order 4 – ECF 372 in 21-cv-4845 – Apr 2 2024 Title: Order Denying Motion to Vacate Judgment and Dismiss for Lack of Subject-Matter Jurisdiction (denying ECF 353).

Description: Failed to address the clear and undeniable error of law in the court's misapplication of collateral estoppel. By disregarding Rules 12(h)(3) and 60(b) and leaving a void judgment intact, the court perpetuated a violation of Article III and the Due Process Clause.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

CAMMARATA, et al.,

Defendants.

:
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:
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CIVIL ACTION

No. 21-cv-4845

ORDER AND JUDGMENT

AND NOW, this **31st** day of **August 2023**, upon consideration of the Securities and Exchange Commission's Motion for Summary Judgment as to Defendant Cammarata's liability (ECF No. 260), Defendant Cammarata's Response (ECF No. 285), and the Commission's Reply (ECF No. 289), it is hereby **ORDERED** that the Commission's Motion for Summary Judgment is **GRANTED**.

Judgement is hereby **ENTERED** in favor of the Securities and Exchange Commission and against Cammarata as to Cammarata's liability on both Counts I and II.

The parties may submit a proposed scheduling order to address the issue of damages and any discovery necessary.

BY THE COURT:

/s/ Chad F. Kenney

CHAD F. KENNEY, JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SECURITIES AND EXCHANGE	:	CIVIL ACTION
COMMISSION,	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	
	:	
JOSEPH A. CAMMARATA, et al.,	:	
<i>Defendants.</i>	:	NO. 21-cv-04845

ORDER

AND NOW, this 22nd day of January 2024, upon consideration of Defendant Joseph A. Cammarata's Motion for Recusal and/or Disqualification of Judge (ECF No. 345) and Plaintiff's Response (ECF No. 346), it is hereby **ORDERED** that the Motion (ECF No. 345) is **DENIED**.

BY THE COURT:

/s/ Chad F. Kenney

CHAD F. KENNEY, JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SECURITIES AND EXCHANGE	:	CIVIL ACTION
COMMISSION,	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	
	:	
JOSEPH A. CAMMARATA, et al.,	:	
<i>Defendants.</i>	:	NO. 21-cv-04845

FINAL JUDGMENT

On August 31, 2023, the Court granted Plaintiff Securities and Exchange Commission's ("SEC") Motion for Summary Judgment against Defendant Joseph Cammarata as to liability. (ECF Nos. 319- 320). In addition, on November 9, 2023, the SEC moved for entry of Default Judgment against Defendants AlphaPlus Portfolio Recovery Corp., and Alpha Plus Recovery LLC (collectively, the "Entity Defendants"). ECF No. 335. The Entity Defendants were properly served and have not appeared in this case and their time to do so has passed. The Court granted default judgment as to liability against the Entity Defendants on December 8, 2023. ECF No. 340.

Having considered the SEC's memorandum of law in support of its request for remedies against Cammarata and the Entity Defendants (ECF No. 336), Cammarata's response (ECF No. 337), and the SEC's Reply (ECF No. 341), the Court hereby **ORDERS** as follows:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Cammarata and the Entity Defendants are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant Cammarata's and the Entity Defendants' officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant Cammarata or the Entity Defendants or with anyone described in (a).

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to Sections 21(d)(1) and 21(d)(5) of the Exchange Act [15 U.S.C. § 78u(d)(1) and (5)], Defendant Cammarata is permanently restrained and enjoined from, directly or indirectly, acting as or being associated with any broker or dealer. For purposes of this Final Judgment, a person is associated with a broker or dealer if such person is a partner, officer, director, or branch manager of such broker or dealer (or occupies a similar status or performs similar functions), directly or indirectly controls, is controlled by, or is under common control with such broker or dealer, or is an employee of such broker or dealer. This injunction shall not prevent Defendant Cammarata from being a customer of a broker or dealer.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant Cammarata's

officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant Cammarata or with anyone described in (a).

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendant Cammarata is prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Cammarata and the Entity Defendants are jointly and severally liable for disgorgement of \$43,496,148, representing the net profits as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$6,975,425, for a total of \$50,471,573.¹ Defendant Cammarata's and the Entity Defendants' liability to the SEC shall be partially offset by the Orders of Restitution and Forfeiture entered against Defendant Cammarata in the parallel criminal case, *United States v. Cammarata*, No. 2:21-cr-00427-1-CFK (E.D. Pa.) ("Criminal Case"), which totaled \$47,769,779.02. Therefore, Defendant Cammarata's and the Entity Defendants' joint and several payment obligation to the SEC is \$2,701,793.98. Defendant Cammarata and the Entity Defendants shall satisfy this joint and several obligation by paying

¹ Defendant Cammarata argues that upon the implementation of the asset freeze, he had "no control, access, or use of his property." ECF No. 337 at 14. Nina Cammarata similarly asserts that it would be inequitable to date the prejudgment interest past the asset freeze, since doing so could deprive Ms. Cammarata of untainted assets she is entitled to. See ECF No. 344. The SEC concedes that "the asset freeze restricted Cammarata's ability to spend, sell, or otherwise encumber the [frozen] assets absent a Court order." ECF No. 341 at 6. The Court agrees with the Cammaratas' position. In calculating the amount of prejudgment interest up until the asset freeze on November 4, 2021, the Court adopts the calculation provided by the SEC. See *id.* at 6 n.4.

\$2,701,793.98 to the Securities and Exchange Commission within 30 days after entry of this Final Judgment.

To the extent the SEC recovers on the amount owed by Defendant Cammarata and the Entity Defendants, the SEC shall hold the funds (collectively, the “Fund”) until further order of this Court. The SEC may propose a plan to distribute the Fund subject to the Court’s approval, and the Court shall retain jurisdiction over the administration of any distribution of the Fund. Defendant shall pay post judgment interest on any amounts due after 30 days of entry of this Final Judgment pursuant to 28 U.S.C. § 1961.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VI.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is **ORDERED** to enter this Final Judgment forthwith and without further notice and close the above-captioned matter.

IT IS SO ORDERED, this 23rd day of January 2024.

BY THE COURT:

/s/ Chad F. Kenney

CHAD F. KENNEY, JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SECURITIES AND EXCHANGE COMMISSION,	:	CIVIL ACTION
<i>Plaintiff,</i>	:	
	:	
v.	:	
	:	
JOSEPH A. CAMMARATA, et al.,	:	
<i>Defendants.</i>	:	NO. 21-cv-04845

MEMORANDUM

KENNEY, J.

APRIL 1, 2024

I. INTRODUCTION

The Securities and Exchange Commission (“SEC”) brought suit against Defendant Joseph A. Cammarata on November 3, 2021, for violations of the Securities Exchange Act of 1934, following a criminal action against Cammarata brought by the United States for the same underlying conduct. On June 7, 2023, the SEC moved for summary judgment against Cammarata on two counts, and the Court granted that motion as to liability on August 31, 2023 (ECF Nos. 319, 320). Following briefing on remedies (ECF Nos. 336, 337, 341), the Court issued a Final Judgment holding Cammarata liable to the SEC for \$2,701,793.98 on January 23, 2024 (ECF No. 352).

On February 5, 2024, Cammarata filed a “Motion to Dismiss the SEC’s Complaint for Lack of Subject Matter Jurisdiction Pursuant to Fed. R. Civ. P. 12(h)(3) and in the Alternative a Motion for Relief from (ECF #320) Pursuant to Fed. R. Civ. P. 60(b).” ECF No. 353. The Motion is fully briefed and ripe for review. *See* ECF Nos. 358, 362. For the reasons discussed below, Cammarata’s Motion is denied.

II. STANDARD OF REVIEW

A federal district court has jurisdiction of “all civil actions arising under...laws...of the United States.” 28 U.S.C. § 1331. “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

Federal Rule of Civil Procedure 60(b) provides that “[o]n motion and just terms, the court may relieve a party of its legal representative from a final judgment, order, or proceeding for ‘[m]istake, inadvertence, surprise, or excusable neglect; . . . fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; the judgment is void; . . . or any other reason that justifies relief.’”

III. DISCUSSION

a. Subject Matter Jurisdiction

Cammarata first argues that the SEC lacked subject-matter jurisdiction to bring a securities fraud claim, since his conduct did not bear on securities fraud. ECF No. 353 at 5-8. Cammarata made the same arguments in his Motion to Dismiss (ECF No. 142), Motion for Relief from Stay for the Limited Purpose of Hearing a Motion for Summary Judgment (ECF No. 183), and his Cross Motion for Partial Summary Judgment (ECF No. 285). As the Court explained in prior opinions, Cammarata’s schemes were committed in connection with securities transactions, which provides an appropriate basis for the SEC to charge him with violating the Securities and Exchange Act of 1934. *See* ECF No. 162 at 1 n.1 (holding, on the motion to dismiss, that the SEC satisfied its burden when it alleged that “the targets of Defendants’ alleged fraud divested themselves of their ownership interest in securities due to Defendants’ misrepresentations.”); *see also* ECF No. 319 at 24 (holding, on a motion for summary judgment, that “securities transactions were at the very heart of Cammarata’s fraudulent activity. Accordingly, there can be no question that Cammarata’s material representations were made in connection with the purchase or sale of securities and no

reasonable jury could find otherwise.”). In sum, the Court finds no merit to Cammarata’s claim that the SEC lacked subject-matter jurisdiction to bring a securities fraud claim.

b. Collateral Estoppel

Cammarata next contends that the Court’s ruling on collateral estoppel in its August 31, 2023, opinion granting summary judgment constituted a “mistake” that warrants relief from judgment. ECF No. 353 at 11-14. Specifically, the Court found that Cammarata’s criminal conviction for wire fraud estopped him from arguing that he had not committed securities fraud. ECF No. 319 at 21-26. Cammarata argues here that his criminal conviction did not contain an element bearing on securities law, and therefore collateral estoppel should not have applied. ECF No. 353 at 12-15.

Collateral estoppel applies when: “(1) the issue sought to be precluded [is] the same as that involved in the prior action; (2) that issue [was] actually litigated; (3) it [was] determined by a final and valid judgment; and (4) the determination [was] essential to the prior judgment.” *Anderson v. C.I.R.*, 698 F.3d 160, 164 (3d Cir. 2012). As the Court explained in its prior opinion, collateral estoppel applies to both factual and legal issues established in prior proceedings. *See id.* This is true regardless of whether the exact same elements are charged in both the criminal and civil proceedings. *See S.E.C. v. Lazare Industries, Inc.*, 294 F. App’x 711, 714 (3d Cir. 2008).

Cammarata’s wire fraud conviction established that he “knowingly devised a scheme to defraud and to obtain money or property by materially false or fraudulent pretenses...acted with the intent to defraud[,] and. . . used interstate wire communications in furtherance of the scheme.” ECF No. 319 at 20. Those legal elements established, the Court went on to detail the precise ways that Cammarata’s scheme “touch[ed] upon” securities transactions, going so far as to say the

scheme “hinged upon” securities transactions. *Id.* at 23.¹ The facts and legal elements established upon Cammarata’s criminal conviction were sufficient to grant summary judgment on the securities violation claim. The Court did not err in so ruling.

c. Service of Summary Judgment Motion

Cammarata further alleges that the Summary Judgment Order is “void” under Federal Rule of Civil Procedure 60(b)(4) because he never received notice of the motion. ECF No. 353 at 11. To reiterate the procedural history, the SEC filed a motion for summary judgment on June 7, 2023. ECF No. 260. On July 3, 2023, Cammarata filed a motion which contended, *inter alia*, that he had not received a copy of the summary judgment motion. ECF No. 269 at 14. On July 7, 2023, the Court ordered the Clerk of Court to personally mail a copy of the motion to Cammarata. ECF No. 274. Cammarata filed a response in opposition to the motion for summary judgment on July 20, 2023. ECF No. 285. In its opinion, the Court stated that it had “confirmed that the mailing address used and the location which the Commission served Cammarata were both correct. Additionally, the Court has not heard Cammarata complain that he has not received the Motion in nearly six weeks, despite his other filings on the docket.” ECF No. 319 at 15 n.19. Cammarata was properly served with the SEC’s summary judgment motion.²

¹ In sum, “(i) the settlement distribution funds existed because of securities class actions or enforcement actions by the Securities and Exchange Commission; (ii) the settlement distribution funds were often held in securities until they were liquidated and distributed to claimants; (iii) Cammarata obtained and misused trade data about securities transactions; (iv) Cammarata only had access to such trade data because of his role as an executive of a broker-dealer; (v) Defendants lied about who purchased securities; (vi) Defendants lied about who sold securities; (vii) Defendants lied about the price of securities purchased or sold; (viii) Defendants lied about the quantity of securities purchased or sold; (ix) Defendants lied about which entities cleared trades; (x) Cammarata used his expertise of the securities industry to guide AlphaPlus, by way of Cohen and Punturieri; (xi) Defendants submitted phony records of securities trades, including falsified brokerage records that used broker-dealers’ logos to bolster their believability; (xii) Cammarata exploited his position as an executive of a broker-dealer to vouch for the fraudulent claims; (xiii) Sham Clients collected over \$40 million because of the fraudulent claims; and (xiv) the scheme had the effect of diminishing the funds available for the actual victims of the underlying securities fraud.” ECF No. 319 at 23-24.

² Cammarata also contends that the Court never ruled on his summary judgment motion, filed on December 12, 2022. ECF No. 183. As part of his response to the SEC’s summary judgment motion, Cammarata filed a cross-motion for

IV. CONCLUSION

For the foregoing reasons, Cammarata's Motion (ECF No. 353) is **DENIED**. An appropriate Order will follow.

BY THE COURT:

/s/ Chad F. Kenney

CHAD F. KENNEY, JUDGE

partial summary judgment, which largely reiterated and referred back to his prior summary judgment motion. ECF No. 285. The Court denied that motion on July 28, 2023. ECF No. 294.

Third Circuit Case No. 24-1983 – Tax Appeal (D.N.J. No. 22-cr-639)

Order – ECF 66 in 24-1983– Aug 25 2025

Title: Order Denying Petitioner's Reply and Appointment of Counsel.

Description: After Petitioner formally discharged prior counsel and requested appointment of substitute CJA counsel (ECF 63, Aug 4 2025) and after appointed counsel moved to withdraw (ECF 64, Aug 6 2025), the Court of Appeals nevertheless denied appointment of new counsel and refused to recognize Petitioner's reply. The Court waited until after Petitioner filed his own pro se reply on August 25 2025, then issued ECF 66 the same day — forcing Petitioner to proceed with counsel he had already documented as ineffective while continuing to deny him any constitutionally effective defense. This violates the Sixth Amendment right to competent representation on direct appeal and the due-process protections recognized in *Douglas v. California*, 372 U.S. 353 (1963), and *Anders v. California*, 386 U.S. 738 (1967). The sequence and timing of the Court's actions constitute structural error warranting this Court's supervisory correction.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 24-1983

United States v. Cammarata

To: Clerk

- 1) Pro Se Motion by Appellant for Appointment of New Counsel
- 2) Motion by Attorney Jack J. McMahon, Jr., Esq. to Withdraw as Counsel for Appellant
- 3) Pro Se Reply Brief with Appendix attached filed by Appellant

The foregoing motions are denied. It is the Court's practice that counsel whether retained or appointed continue on appeal absent extraordinary circumstances. 3d Cir. L.A.R. Misc. 109.1. It is noted that "extraordinary" circumstances require more than a conflict as to strategy or tactics and may not be based on allegations that counsel has been ineffective unless the District Court has made a determination concerning ineffective assistance. Moreover, claims of ineffective assistance of counsel are generally not reviewable on direct appeal. United States v. Thornton, 327 F.3d 268 (3d Cir. 2003).

No action will be taken on the pro se reply brief as Appellant is represented by counsel in the appeal. Pro se briefs are prohibited. See 3d Cir. L.A.R. 31.3. See also United States v. Turner, 677 F.3d 570 (3d Cir. 2012) (except in cases governed by Anders, parties represented by counsel may not file pro se briefs). The pro se brief will be forwarded to counsel in accordance with Local Rule 31.3 and Turner. Counsel is directed to review this Court's opinion in Turner regarding counsel's obligations with respect to the pro se arguments. Appellant's reply brief, if any, must be filed by counsel within fourteen (14) days of the date of this order.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: August 25, 2025

Amr/cc: All counsel of record

Third Circuit Case No. 25-1188 – Unopposed Emergency Petition for Writ of Mandamus

No orders or judgments were ever entered in this proceeding. The petition, motions, and supplements—including the unopposed motion to transfer to the Second Circuit (ECF 12), the disqualification request under 28 U.S.C. § 455 (ECF 15), and the motion for clarification (ECF 16)—have remained pending without action.

This continued silence encompasses every filing, including those raising conflicts of interest, jurisdictional defects, and the referral of this matter to the Supreme Court. The docket therefore reflects a complete refusal to adjudicate any portion of the case, forming part of the misconduct and constitutional violations presented in the accompanying Petition under 28 U.S.C. § 1651(a).

Appendix B

Systemic Constitutional Violations

**Summary of
93 documented violations across
related proceedings.**

APPENDIX B – SYSTEMIC CONSTITUTIONAL VIOLATIONS: CATEGORICAL SUMMARY AND RECORD REFERENCES

This Appendix categorizes the ninety-three documented constitutional violations established in the record and highlights the most critical and egregious instances. This presentation demonstrates the systematic and pervasive nature of the due process breakdown across multiple federal proceedings and tribunals, providing a factual record index for the Court's independent verification.

I. DUE PROCESS AND NOTICE VIOLATIONS (28 Violations)

- Simultaneous hearings in different districts preventing appearance
- Ex parte orders obtained without proper notice or findings
- Fabricated service of process documents
- Hearings scheduled while defendant was incarcerated and unavailable
- Denial of meaningful opportunity to be heard at critical stages
- Asset freeze obtained and maintained through procedural manipulation

Selected Egregious Example:

•Coordinated Ex Parte Proceedings – Simultaneous Nov. 9, 2021 criminal bail hearing in Miami (United States v. Cammarata, S.D. Fla.) and SEC TRO hearing in Philadelphia (SEC v. Cammarata, E.D. Pa.) denied Petitioner notice and opportunity to be heard, ensuring the asset freeze issued uncontested. Violation: Fifth Amendment Due Process.

II. JUDICIAL BIAS AND CONFLICT OF INTEREST VIOLATIONS (15 Violations)

- Presiding over cases involving same subject matter as spouse's legal practice
- Failure to recuse under 28 U.S.C. §§ 144, 455
- Alteration of official transcripts to conceal prejudicial statements
- Routing misconduct complaints through conflicted court personnel
- Ex parte communications between judges in coordinated cases
- Demonstrated prejudice on the record against defendant

Selected Egregious Example:

•Transcript Alteration and Bias – ECF 46 (21-cv-4845): The official transcript of the Show-Cause Hearing was amended to redact Judge Kenney's prejudicial statement, "I consider this a crime against the courts!" and replace it with "inaudible." Violation: Judicial Integrity Clause of Due Process.

III. PROSECUTORIAL MISCONDUCT AND BRADY VIOLATIONS (22 Violations)

- Presentation of false legal theory to grand jury
- Withholding of exculpatory Supreme Court precedent
- Suppression of favorable evidence including business records
- Destruction of exculpatory documentation
- Failure to present exculpatory law to grand jury
- Misrepresentation of unproven allegations as established fact

Selected Egregious Example:

•Defective Indictment and Grand-Jury Misconduct – ECF 1–3 (21-cr-427): Prosecutors presented a false legal instruction and withheld controlling law (*Sprint v. APCC Servs.*, 554 U.S. 269 (2008)), creating a charge for conduct that is not a crime. Violation: Fifth Amendment Due Process.

IV. JURISDICTIONAL AND PROCEDURAL DEFECTS (18 Violations)

- Convictions for conduct that is not criminal under controlling law
- Enforcement of expired temporary restraining orders
- Entry of judgment without Article III jurisdiction
- Constructive amendment of indictments at trial
- Failure to comply with Rule 65 time limits for TROs
- Summary judgment entered without proper service

Selected Egregious Example:

•Unlawful Extension and Enforcement of TRO – ECF 16 & 38 (21-cv-4845): The ex parte TRO was extended beyond the 14-day limit set by Fed. R. Civ. P. 65(b)(2). It expired by operation of law on November 24, 2021, yet was enforced for years, unlawfully depriving Petitioner of property and counsel. Violation: Due Process and Property Rights under *Luis v. United States*, 578 U.S. 5 (2016).

V. APPELLATE AND SUPERVISORY FAILURES (10 Violations)

- Refusal to rule on pending motions for over eight months
- Failure to apply controlling Supreme Court precedent
- Denial of appellate review through indefinite delay
- Refusal to transfer cases despite documented conflicts
- One-word denials without reasoned explanation
- Systematic avoidance of constitutional issues

Selected Egregious Example:

• **Appellate Refusal to Apply Controlling Law – ECF 59 (23-2110):** The Third Circuit affirmed a conviction without citing or applying *Sprint v. APCC Services, Inc.*, 554 U.S. 269 (2008), a controlling authority that negates every element of the charged offense, despite it being repeatedly presented. Violation: Article III judicial duty and Fifth Amendment Due Process.

TOTAL DOCUMENTED VIOLATIONS: 93

This categorical summary demonstrates that the constitutional violations are not isolated incidents but represent a coordinated pattern of misconduct affecting every level of the proceedings—from initial investigation through appellate review. The repetition of similar violations across multiple cases and districts underscores the systemic nature of the breakdown.

RECORD OF PRINCIPAL VIOLATIONS BY CASE

I. United States v. Cammarata, No. 21-cr-427 (E.D. Pa., Judge Chad F. Kenney)

This criminal prosecution in the Eastern District of Pennsylvania originated the pattern of constitutional violations that later spread through the related SEC and tax cases. The record demonstrates misconduct at every stage—from the grand jury to post-trial proceedings.

- **Defective Indictment and Grand-Jury Misconduct – ECF 1–3 (Oct. 28 2021):** False legal instruction that only a personal trading loss confers standing; prosecutors withheld controlling law (*Sprint v. APCC Servs.*, 554 U.S. 269 (2008); 69 P.S. §§ 521–523). This omission created a charge where, as a matter of law, no crime could exist. Violation: Fifth Amendment Due Process.
- **Coordinated Ex Parte Proceedings – Simultaneous Nov. 9th, 2021 criminal bail hearing in Miami and SEC TRO hearing in Philadelphia** denied Petitioner notice and opportunity to be heard, ensuring that the asset freeze issued uncontested. Violation: Fifth Amendment Due Process.
- **Judicial Conflict of Interest – Judge Kenney's spouse actively practiced in the same securities class-action field implicated by the indictment, yet no recusal occurred under 28 U.S.C. §§ 144, 455.** Structural Due Process violation.
- **Rule 5(f) Non-Compliance – No docket entry or certification issued.** Violation: Due Process Protections Act of 2020.

- Suppression of Exculpatory Evidence – Government withheld assignment documents and correspondence that established lawful claim ownership. Violation: *Brady v. Maryland*, 373 U.S. 83 (1963).

II. SEC v. Cammarata et al., No. 21-cv-4845 (E.D. Pa., Judge Chad F. Kenney)

This civil enforcement action mirrored and reinforced the criminal case, creating parallel deprivations of due process and property. The docket demonstrates jurisdictional defects, fabricated service, and prolonged enforcement of an expired restraining order.

- Ex Parte TRO Without Findings of Irreparable Harm – ECF 4 (Nov. 4 2021) issued verbatim from SEC draft; violates Fed. R. Civ. P. 65(b)(1) and *Granny Goose Foods v. Teamsters*, 415 U.S. 423 (1974).
- Fabricated Service and Simultaneous Hearings – SEC filed falsified USM-285 showing service 11/8/21 while Petitioner was detained in FDC Miami. Simultaneous hearings held at 8:30 a.m. (criminal bail hearing, Miami) and 9:00 a.m. (TRO hearing, Philadelphia). Violation: Fifth Amendment Due Process.
- Unlawful Extension of TRO – ECF 16 & 38 extended TRO through 12/14/21 beyond 14-day Rule 65 limit. Order expired by operation of law on 11/24/21 but continued to be enforced. Violation: Due Process and Property Rights under *Luis v. United States*, 578 U.S. 5 (2016).
- Transcript Alteration and Bias – ECF 46 Show-Cause Hearing transcript redacted the judge's statement 'I consider this a crime against the courts' as 'inaudible.' Violation: Judicial Integrity Clause of Due Process.
- Summary Judgment Without Jurisdiction or Service – ECF 319 (June 7 2023) entered despite pending defense motion (ECF 183) and lack of service. Violation: Article III jurisdiction and Fed. R. Civ. P. 56.

III. United States v. Cammarata, No. 22-cr-639 (D.N.J., Judge Peter G. Sheridan)

The New Jersey tax prosecution replicated the same misconduct seen in Pennsylvania—defective indictment, Brady violations, and failure to certify Rule 5(f) compliance—culminating in trial and sentencing before a retiring judge.

- Defective Indictment – ECF 1 (Sept 22 2022) premised on unproven 'fraud' allegations from Pennsylvania case that had not begun. Violation: Fifth Amendment Grand-Jury Clause.

- Rule 5(f) Violation and Certification Omitted – No docket entry or transcript showing compliance with the Due Process Protections Act of 2020. Violation: Fifth Amendment Due Process.

- Suppression of Exculpatory Evidence – ECF 30 (ordering production of business expenses) ignored. All other explanatory evidence including IRS 1042-S forms and settlement-claim letters, specifically requested in writing, were denied and later proven at trial to exist with government Bates stamps. Violation: Brady and Giglio.

- Constructive Amendment of Indictment – Trial (Oct 30–Nov 15 2023) shifted from 'tax evasion' to general 'unreported-income' theory; violates *Stirone v. United States*, 361 U.S. 212 (1960).

- Judicial Incapacity and Unreasoned Denials – ECF 155 & 164 (post-trial motions) denied orally May 13 2024 without findings. Violation: Neutral Adjudicator requirement.

IV(A). Case No. 23-2110 – Criminal Appeal (E.D. Pa. 21-cr-427)

- ECF 59 – Opinion and Judgment (Apr 2025): The Third Circuit affirmed Petitioner's conviction without citing or applying controlling authorities that negate every element of the charged fraud. *Sprint v. APCC Services, Inc.*, 554 U.S. 269 (2008), and the Pennsylvania Assignment of Claims Act of 1939 (69 P.S. §§ 521–523) confirm that assigned settlement claims are lawful and enforceable. Because these authorities were presented repeatedly at trial, post-trial, and on appeal, their omission demonstrates a refusal to address binding precedent. Violation: Article III judicial duty and Fifth Amendment Due Process.

IV(B). Case No. 24-1381 – SEC Appeal

- Docket shows repeated extensions (ECF 25, 30, 32, 33) and vacatur of schedule (ECF 39) without any responses to the year-and-a-half appeal or rulings on jurisdictional motions (ECF 142, 183). Violation: Denial of Appellate Review.

IV(C). Case No. 24-1983 – Tax Appeal

- Brief filed Dec 8 2024 (ECF 23); motions for appointment and supplemental brief (ECF 9, 29, 37) met with non-substantive orders (ECF 12, 21, 37) ignoring *Martinez v. Court of Appeal*, 528 U.S. 152 (2000). Violation: Right to counsel and meaningful appeal.

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