

No. 25-6881

In The
Supreme Court of the United States

In Re Ryan P. Givey,
Petitioner

ON PETITION FOR AN
EXTRAORDINARY WRIT OF PROHIBITION

PETITION FOR REHEARING

Ryan P. Givey, Petitioner
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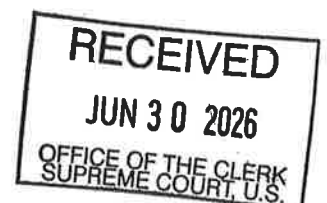


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PETITION FOR REHEARING

Pursuant Rule 44.2 of the Rules of the United States Supreme Court, PETITIONER respectfully petitions for a rehearing of this Court's June 8, 2026 order denying the Extraordinary Writ of Prohibition.

GROUND FOR THE PETITION FOR REHEARING

Rule 44.2 of the Rules of the Supreme Court of the United States allows PETITIONER to file petitions for rehearing of the denial of a petition for extraordinary writ of prohibition and permits rehearing on the basis of "intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented."

NEW CONSIDERATIONS

The new consideration PETITIONER would like the Court to review is:

- 1) Are the state and federal appellate courts functioning properly, acting and issuing opinions and orders in compliance with our laws and following the rules of the court and appellate procedure?
- 2) Should Judge Cauley be prohibited from issuing any rulings in this custody case until there is an investigation into these proceedings?

INTRODUCTION

A function of an Extraordinary Writ of Prohibition is to use a higher court's powers to

review lower court's decisions and ensure the appellate process is functioning properly.

The appellate process is not functioning properly in Pennsylvania's state and federal courts. Local, state and federal judges are required to follow our laws. Any local, state or federal judge becoming aware a crime in reference to a court case before them is required under the law to address these crimes to ensure our courts function properly.

This case presents evidence that state and federal judges are violating our laws; allowing witnesses to be threatened and harmed; allowing court mail to be interfered with; allowing the interference with legal representation; and allowing court staff to selectively assign judges to cases.

THREATENED WITNESSES

Gerald Shur, the US Attorney who invented the Witness Protection Program, detailed in his book WITSEC¹, how organized crime would always threaten and kill friends, family members and children of whistleblowers, while stating his reason for creating the US Witness Protection Program and the necessity to immediately provide witness protection. Today, law enforcement refuse to take a criminal complaint, so there is no record of the crimes, then law enforcement and the courts allow victims, their friends and families to be threatened and harmed.

Prior to 2008, when the DOJ shut down its organized crime task force, organized crime has always corrupted government officials and law

¹ Earley, Pete. WITSEC. New York, Bantam Books, 2002.

enforcement (Whitey Bulger², an organized crime boss corrupted local, state and federal law enforcement officials from 1975-1991, including the entire FBI Boston field office), threatened witnesses and committed various criminal acts.

Every conceivable means to threaten PETITIONER to abandon his criminal complaints has been utilized, including repeatedly tampering with judicial proceedings, repeatedly drugging PETITIONER, threatening PETITIONER's friends and family, attacking PETITIONER financially, removing the custody of his children and threatening PETITIONER to testify that he no longer believes in his criminal allegations.

PETITIONER's sister told him in Spring 2015 that she and other family members were being threatened.

Christmas day 2023, while PETITIONER had a lawsuit before the Third Circuit, PETITIONER was illegally drugged and tested positive for Buprenorphine. After PETITIONER told his father, his father immediately called saying "You know there are drugs that can kill you and are undetectable in your system a few hours later." In the hospital that day PETITIONER's sister told him that she and other family members have also been drugged to threaten them. Court staff at the Third Circuit blocked PETITIONER from speaking with a judge to request witness protection.

Within about three months of Christmas 2023 PETITIONER's two younger sisters were admitted to the hospital and both almost died. PETITIONER

² https://en.wikipedia.org/wiki/Whitey_Bulger

believes their food was tampered with drugs to threaten their lives.

PETITIONER has been illegally drugged dozens of times since his requests for witness protection were denied before the Pa Commonwealth Court, Pa Supreme Court, district court and the Third Circuit, permanently damaging his health and putting his life in danger.

In federal district court EDPA, case 25-0943, the DOJ cited eight other lawsuits that have made similar claims, of having their food tampered with drugs causing health conditions, interference with medical treatment and/or the abuse of psychiatry to threaten witnesses and the court cited a case from another Chester County man who sued the District Attorney claiming law enforcement refused to take a criminal complaint while he was illegally drugged, fraudulently declared mentally ill and had the custody of his daughter removed.

Their preferred method of threatening a witness is to drug them by tampering with their food because the victim cannot identify the perpetrator and the victim consumes all the evidence, making it the perfect crime and also, they often interfere with the victim's employment and attack them financially, by damaging their car, roof and property causing costly repairs.

They either drug them acutely with psycho-active drugs or expose them to drugs or chemicals over a long period of time causing health complications, by putting the drugs in your coffee creamer that you drink every morning, then they interfere with your medication and medical treatment.

Around the same time, PETITIONER's favorite uncle, his cousin and his other cousin's wife were all diagnosed with cancer. Then PETITIONER's siblings or their children were all diagnosed with serious health conditions and tampering with their medication, medical treatment or food will cause serious health concerns, including hospitalization.

This is a serious National Security threat considering Tulsi Gabbard's husband and Pamela Bondi were recently diagnosed with cancer, as well as, Epstein accuser, Maria Farmer.

The most devastating weapon utilized to threaten witnesses today is the electronic pill that was invented in 2018 ³, that was used on PETITIONER once.

The electronic pill deploys a needle in your stomach where you have no pain receptors and connects to WIFI or Bluetooth to wirelessly administer the drugs.

The victim is roofied, to drug them and impair their memory and then made to swallow an electronic pill where they can be threatened, drugged or even murdered at any time in the future.

PETITIONER's bedroom door (APPENDIX A), that was recently installed at the time, was damaged after he was roofied and the perpetrators broke into his bedroom while he was unconscious, where he kept an extra supply of food and water.

PETITIONER met R.K. in May 2022 and they began dating. Three times while they were dating R.K. had been illegally drugged and developed a

³ <https://news.mit.edu/2018/ingestible-pill-controlled-wirelessly-bluetooth-1213>

serious health condition. US Supreme Court case 25-6035 p.35-37, describes how R.K.'s friends and family were attacked in a similar way as PETITIONER.

CHESTER COUNTY COURT CASE

No. 2015-06444-CU

PETITIONER's ex-wife's (A.G.) father was one of the most powerful federal law enforcement agents under Presidents Obama and Biden.

On December 11, 2024 A.G. made an outrageous and unbelievable claim that PETITIONER could experience a psychotic break and harm their children, while testifying that he had never harmed their children in the past and PETITIONER has no history of violence.

A.G. claimed PETITIONER had a psychotic break in 2014 (while PETITIONER maintains he was illegally drugged that night) and she testified that she asked to have PETITIONER mentally evaluated, leading to PETITIONER being forced into a mental health facility without a hearing or judicial review in violation of our laws and leading to PETITIONER being told he is mentally ill by an unidentified doctor, also contrary to our laws (See US Supreme Court case 25-6035 p.32-35).

A.G. testified that she initiated this custody proceeding "solely" because PETITIONER filed US Supreme Court case 23-7063 demanding to file a criminal complaint with law enforcement.

Before the emergency custody hearing on Jan. 3, 2024 PETITIONER was threatened if he did not testify he was mentally ill and no longer believes in his criminal complaints he would never see his children again and when he refused his children

have been illegally removed from his custody for the past 19 months.

If A.G. was involved in the illegal drugging or fraudulent diagnosis of PETITIONER in 2014, she would have an incredible incentive to interfere with his criminal complaints.

On December 11, 2024 A.G. filed a petition for emergency custody of their children and was denied by a per curiam opinion of the court and granted a 2-hour emergency custody hearing before Judge Sondergaard. Then the judges were immediately switched to Judge Royer, in violation of local laws on the assignment of judges and the hearing was illegally switched from a 2-hour hearing to a full day hearing, without a motion to the court.

Judge Royer then issued an emergency custody order in violation of state and federal laws (See US Supreme Court case 25-6035) and contrary to the per curiam opinion of her peers, who previously denied the petition.

After PETITIONER filed a petition accusing Judge Royer violating his rights, the Chester County Court transferred the case to Judge Cauley, in violation of local laws on the assignment of judges.

The court then scheduled a full custody hearing while the case was on appeal before the US Supreme Court case 25-6035.

PETITIONER has noted that the Chester County Court has illegally changed the transcripts of a hearing in the past, they do not allow any audio or video recording and PETITIONER had previously been detained by the Sheriff's office at the courthouse due false allegations made against him.

Twice in the past PETITIONER had been approved to appear remotely for hearings in this custody case. Judge Cauley denied PETITIONER's request to appear remotely for the custody hearing, while PETITIONER has a credible fear that he will be arrested under false charges if he enters the courthouse.

PETITIONER's notices of appeal, sent via certified mail, to Judge Cauley and opposing counsel was interfered with and he was forced to hire a process server. Upon appeal before the Pa Superior Court, case 347 EDA 2026, Judge Cauley stated that PETITIONER untimely filed a concise statement of errors and "this Court cannot determine whether Appellant qualifies for relief under ADA".

On February 4, 2026 Judge Cauley ordered PETITIONER to submit a concise statement of errors, claiming he did not understand the errors complained of in the Notice of Appeal, and demanded he respond Pursuant PaR.A.P 1925(b) within 10 days. PETITIONER was not notified of this order until Feb. 16, 2026 and Judge Cauley then claimed PETITIONER's Feb. 17, 2026 response was untimely. However, PaR.A.P. 1925(b)(2)(i) states "The judge shall allow the appellant at least 21 days from the date of the order's entry on the docket for the filing and service of the Statement." Judge Cauley's order was not entered into the Pa Superior Court docket until March 2, 2026.

Judge Cauley's claim, that after reviewing the record, the court cannot determine whether PETITIONER is a qualified person under ADA, would immediately call into question Judge Royer's rulings in this custody case and should have led to

the immediate return of PETITIONER's custody of his children.

PA SUPERIOR COURT

PETITIONER's post office mail was repeatedly interfered with to interfere with his appeal of Judge Cauley's ruling and PETITIONER was repeatedly required to hire a process server to deliver his filings for appeal 347 EDA 2026.

PETITIONER had filed his appeal pro se, as noted on the Chester County Docket, but the Pa Superior Court erroneously assigned a lawyer as representing him in his appeal. PETITIONER believes this was done intentionally to interfere with his appeal. The prothonotary stated that PETITIONER had a right to represent himself and on Feb. 12, 2026 PETITIONER filed a motion to proceed pro se, with the prothonotary stating, that according to the rules of appellate procedure, the motion to proceed pro se would have to be ruled on before any other action takes place in the case.

On Feb. 12, 2026 the Pa Superior Court issued a Sua Sponte, per curiam order (APPENDIX B) to show cause within 10 days and the order was not signed by the Prothonotary as a valid order of the Court as required under Pa Code Rule 2521 (ENTRY OF JUDGEMENT OR OTHER ORDER).

When PETITIONER filed a response to the show cause order on February 17, 2026, arguing case law and presenting evidence of federal crimes and informing the Court that witnesses have been threatened, the Pa Superior Court issued a per curiam order (APPENDIX C) on Feb. 17, 2026 ordering the prothonotary to not accept any of

PETITIONER's filings and the order was also not signed by the Prothonotary.

On March 6, 2026 the Pa Superior Court issued a per curiam order (APPENDIX D) dismissing PETITIONER's appeal, falsely claiming he did not respond, the Court dismissed PETITIONER's Application to Proceed Pro Se (in violation of our laws) and the order was not signed by the Prothonotary.

There is no record of who issued any of these orders because none of the orders identifies a judge.

PA SUPREME COURT

PETITIONER appealed to the Pa Supreme Court, describing the Pa Superior Court proceedings that violated our laws and presented evidence of federal crimes and that witnesses were threatened and harmed. The Pa Supreme Court denied the petition for allowance to appeal.

THIRD CIRCUIT COURT OF APPEALS

PETITIONER made the federal district court aware of the custody proceedings brought against him and presented evidence it was initiated to interfere with the federal lawsuit currently before the court. The Assistant US Attorney representing the DOJ requested the court not to get involved. The district court then dismissed PETITIONER's lawsuit two weeks later.

PETITIONER's certified mail notifying the federal court of his Notice of Appeal was illegally interfered with.

Before the Third Circuit on 1/24/26 PETITIONER filed a motion to disqualify the AUSA

from representing Respondents in this case since he was filing briefs contrary the statements of Respondents own words, he personally responded to a motion to disqualify in district court in violation of DOJ policy, he was blocking PETITIONER from making a criminal complaint which prevents the DOJ from investigating his own conduct from 2023 and he was allowing ongoing federal crimes to be committed, with witnesses being threatened and harmed.

In violation of DOJ policy and the rules of appellate procedure the AUSA submitted a response brief for Respondents on 2/27/26, simply ignoring the motion to disqualify that would require him to refer the motion to the DOJ Office of General Counsel (see U.S. Dep't of Just., Just. Manual § 3-1.140). The DOJ argued that despite the evidence of ongoing federal crimes, the DOJ does not have to "speak" to PETITIONER, "listen to him" or take a criminal complaint, so there would be no record of these crimes.

There is no lawful reason for the DOJ to refuse to speak with PETITIONER, review evidence and take a criminal complaint. Federal Judge Aileen Cannon is currently overseeing a grand jury investigation into Biden's DOJ and agents, who worked for Biden's DOJ, are blocking PETITIONER from making a criminal complaint about their own conduct.

On 4/1/26 Judge Porter and Judge Restrepo denied PETITIONER's request for an emergency injunction for witness protection that was filed on 1/16/26, denied the motion to disqualify the AUSA, denied the motion to compel a response from the

government to the motion to disqualify (APPENDIX E), which allows ongoing crimes to be committed against PETITIONER and allows witnesses to be threatened and harmed.

PETITIONER filed a motion to disqualify Judge Porter and Judge Restrepo for violating the rules of the Court, the rules of Appellate procedure, allowing an AUSA to violate the rules of DOJ justice manual and the Code of Conduct for United States Judges. Denying the motion to disqualify the AUSA without having him respond also hides the Third Circuit's conduct from the DOJ Office of General Counsel, where, contrary to the law, they blocked PETITIONER from making a criminal complaint in 2023 and authored an outrageous opinion.

The motion to disqualify the judges from the case was sent before a Merit Panel (APPENDIX F) on 4/24/26.

On 6/11/26 The Third Circuit issued an opinion (APPENDIX G) denying PETITIONER's appeal. The Third Circuit dismissed the motion to disqualify Judge Porter and Judge Restrepo before the Merit Panel could issue an opinion, so their conduct was not reviewed by the merit panel. This opinion was not signed by any judge or the clerk and was not stamped with the Third Circuit's seal verifying the opinion as valid.

PETITIONER requested the Third Circuit to: 1) compel the DOJ to speak to PETITIONER, review evidence and take a criminal complaint; or 2) assign a special prosecutor; 3) convene a grand jury; 4) provide witness protection.

The Third Circuit stated "While Givey has First Amendment right to petition the Government

for redress of grievances, this right does not require the Government to act regarding the relief demanded.”

The Third Circuit then stated that federal courts cannot order the DOJ to prosecute individuals but that is not what PETITIONER requested.

The Court admitted PETITIONER has the Right to Petition, which is the Right to speak to the DOJ, have them review evidence and make a criminal complaint. See, e.g., *Gable v. Lewis*, 201 F3d 769, 771 (6th Cir. 2000); *Estate of Morris ex rel. Morris v. Dapolito*, 297 F. Supp. 2d 680, 692 (S.D.N.Y. 2004); *Lott v Andrews Ctr.*, 259 F. Supp. 2d 564, 568 (E. D. Tex. 2003); *United States v. Hylton*, 558 F. Supp. 872, 874 (S.D. Tex. 1982).

Under 18 U.S.C. § 3332(a), any United States Attorney receiving evidence of a federal crime is required to report that crime to a grand jury.

A federal judge cannot ignore federal crimes, especially if the crimes impact a lawsuit before the court and has a duty to act under the Code of Conduct for United States Judges. Any federal judge can convene a grand jury or assign a special prosecutor and must if evidence of federal crimes are presented to them and the DOJ refuses to take a criminal complaint.

CONCLUSION

This Court should grant an Extraordinary Writ of Prohibition.

Respectfully Submitted,

/s/Ryan P. Givey

Ryan P. Givey, Pro Se Petitioner

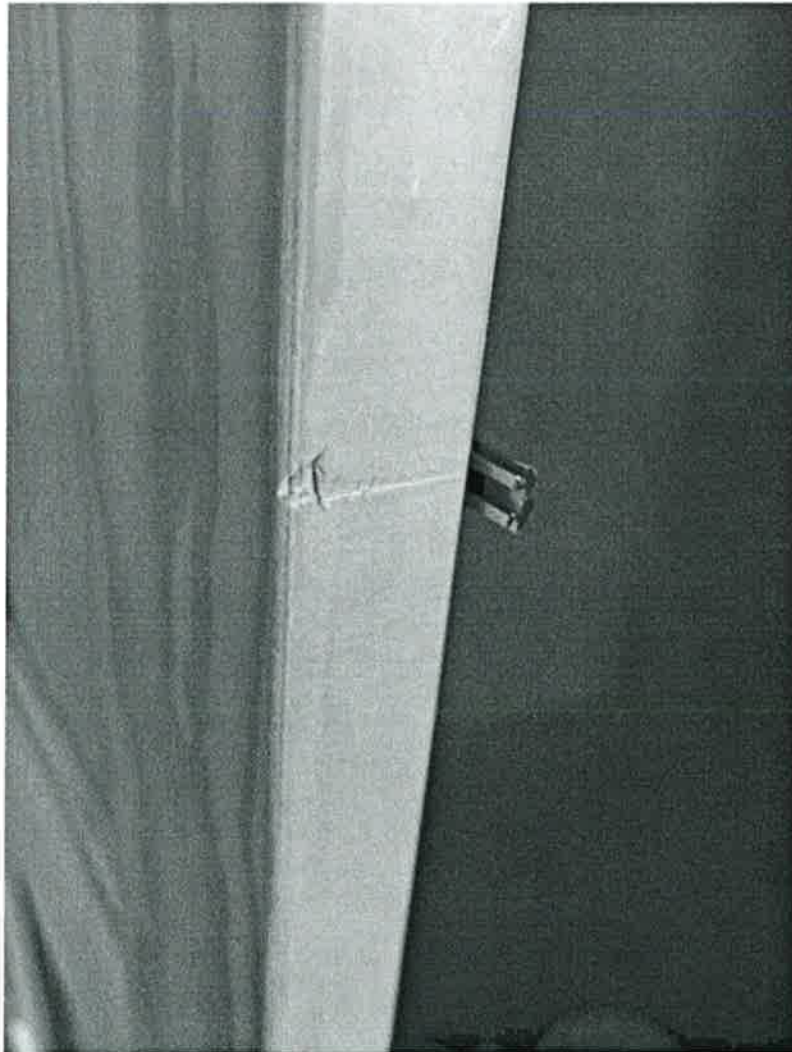
6/17/26

APPENDIX

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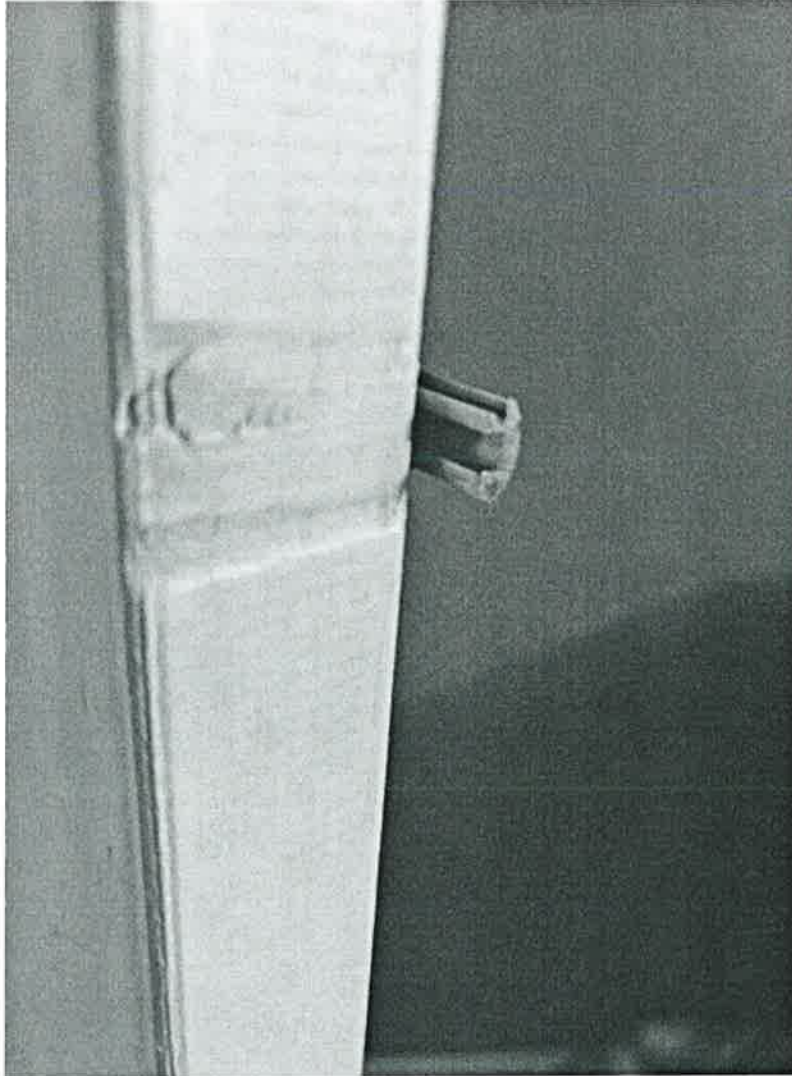
APPENDIX A

Winter 2024



App-2

December 2025



App-3

APPENDIX B

Filed 2/12/26

RYAN P. GIVEY	:	IN THE SUPERIOR
	:	OF PENNSYLVANIA
Appellant	:	
	:	Chester County
v.	:	Civil Division
	:	2015-06444-CU
ALICIA A. GIVEY	:	No. 347 EDA 2026

ORDER

This appeal has been taken from the January 20, 2026 Order that denied Appellant's petition to appear remotely for the hearings scheduled on March 9, 2026 and March 10, 2026 in this Custody matter.

The January 20, 2026 Order does not appear to be appealable. Generally, only final orders are appealable since Appellant's petition is still unresolved. See Pa.R.A.P. 341 (a final order is any order that resolves all claims of all parties) and **G.B. v. M.M.B.** 670 A2d 714 (Pa. Super. 1996) (a custody order is final and appealable after the trial court has concluded its hearings on the matter and the resultant order resolves the pending custody claims between the parties).

Accordingly, Appellant is directed to respond within (10) days, in writing and copying all parties involved on your reply, citing to legal authority,

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including proper case law/Appellate Rules and analysis as to why the appeal should not quashed.

PER CURIAM

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APPENDIX C

Filed 2/17/26

RYAN P. GIVEY	:	IN THE SUPERIOR
	:	OF PENNSYLVANIA
Appellant	:	
	:	Chester County
v.	:	Civil Division
	:	2015-06444-CU
ALICIA A. GIVEY	:	No. 347 EDA 2026

ORDER

In light of the fact that Appellant is represented by Joseph J. McIntosh, Esquire, the Prothonotary of this Court is directed to forward a copy of Appellant's two documents entered by this Court as "Pro Se Document Received but Not Filed", filed February 17, 2026, to Attorney McIntosh. **See Commonwealth v. Ellis**, 626 A.2d 1137 (Pa. 1993) (disproving of pro se filings by counseled appellants); **See Commonwealth v Jette**, 23 A3d 1032 (Pa. 2011) (emphasizing that courts shall not permit hybrid representation) (reconfirming **Commonwealth v Ellis**, 626 A.2d 1137 (Pa. 1993)).

PER CURIAM

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APPENDIX D

Filed 3/6/26

RYAN P. GIVEY	:	IN THE SUPERIOR
	:	OF PENNSYLVANIA
Appellant	:	
	:	Chester County
v.	:	Civil Division
	:	2015-06444-CU
ALICIA A. GIVEY	:	No. 347 EDA 2026

ORDER

This appeal has been taken from the January 20, 2026 Order that denied Appellant's petition to appear remotely for the hearings scheduled on March 9, 2026 and March 10, 2026 in this Custody matter. The January 20, 206 Order does not appear to be appealable. Generally, only final orders are appealable since Appellant's petition is still unresolved. See Pa.R.A.P. 341 (a final order is any order that resolves all claims of all parties) and **G.B. v. M.M.B.** 670 A2d 714 (Pa. Super. 1996) (a custody order is final and appealable after the trial court has concluded its hearings on the matter and the resultant order resolves the pending custody claims between the parties). On February 12, 2026 this Court entered a show cause directing Appellant's counsel to respond as to why the appeal should not be quashed since the January 20th Order is not final or otherwise appealable and no response was filed. In

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light of the longstanding caselaw the January 20th order is not appealable.

According, the appeal at 347 EDA 2026 is **QUASHED**.

Appellant's "Application to Proceed Pro Se," filed February 12, 2026 is **DISMISSED as MOOT**.

PER CURIAM

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APPENDIX E

Case: 26-1067 Document: 21 Page: 1 Date Filed:
04/01/2026

DLD-099

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
C.A. No. 26-1067

RYAN P. GIVEY, Appellant

VS.

PAMELA BONDI; ET AL

(E.D. Pa. Civ. No. 2:25-cv-00943)

Present: RESTREPO and PORTER, *Circuit Judges*

Submitted are:

(1) Appellant's "Emergency Injunction for
Witness Protection";

(2) Appellant's "Emergency Motion to
Disqualify Mark Sherer from [Representing]
Respondents in this Case";

(3) Appellant's "Emergency Motion to
Disqualify Susan Becker from [Representing]
Respondents in this Case";

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(4) Appellant's Amended Motion to Disqualify Mark Sherer and Memorandum of Law In Support Thereof;

(5) Appellant's "Emergency Petition for Rehearing En Banc";

(6) Appellant's "Motion to Expedite Emergency Petition for Rehearing En Banc"; and

(7) Appellant's "Motion to Compel Response"

in the above-captioned case.

Respectfully, Clerk

RYAN P. GIVEY, Appellant

VS.

PAMELA BONDI; ET AL.

26-1067

_____ORDER_____

Appellant's motion for an emergency injunction is denied. *See* Fed. R. App. P. 8(a); *Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 319–20 (3d Cir. 2020). Appellant's premature request for an "emergency petition for rehearing en banc," and his

App-10

motion to expedite that petition, are denied. *See* Fed. R. App. P. 40. To the extent that Appellant seeks a hearing on his motion for injunctive relief, that request is denied as moot. We also deny Appellant's motion to disqualify the Government attorneys and his motion to compel the Government to respond

By the Court,

s/David J. Porter
Circuit Judge

Dated: April 1, 2026
PDB/cc: Ryan P. Givey
All Counsel of Record

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APPENDIX F

Case: 26-1067 Document: 24 Page: 1

Date Filed: 04/24/2026

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1067

Givey v. Bondi, et al.

To: Clerk

1) Motion by Appellant to Recuse Judge
Restrepo

2) Motion by Appellant to Recuse Judge
Porter

The foregoing motions are referred to the merits
panel

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: April 24, 2026

nf/cc: Ryan P. Givey
Mark J. Sherer, Esq.

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APPENDIX G

Case: 26-1067 Document: 27 Page: 1

Date Filed: 06/11/2026

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-1067

RYAN P. GIVEY,
Appellant

v.

PAMELA BONDI;
KASH PATEL;
DAVID METCALF

On Appeal from the United States District Court for
the Eastern District of Pennsylvania
(D.C. Civil Action No. 2:25-cv-00943)

District Judge:
Honorable Nitza I. Quiñones Alejandro

Submitted Pursuant to Third Circuit LAR 34.1(a)
May 15, 2026

Before: MATEY, MONTGOMERY-REEVES, and
NYGAARD, *Circuit Judges*

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(Opinion filed: June 11, 2026)

OPINION*

PER CURIAM

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

Dr. Ryan P. Givey appeals the District Court's dismissal of his mandamus petition. We will affirm the District Court's judgment.

Givey filed a petition for a writ of mandamus in the United States District Court for the Eastern District of Pennsylvania. He sought an order compelling the U.S. Attorney General, U.S. Attorney for the Eastern District of Pennsylvania, and FBI Director to accept his criminal complaint against various individuals and review evidence of alleged federal crimes. In the alternative, he requested that the District Court assign a special prosecutor or convene a grand jury to investigate the crimes. He also requested that the District Court place him and his family in witness protection. On the respondents' motion, the District Court dismissed the mandamus petition. Givey timely appealed.

We have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review over the District Court's

order dismissing Givey's mandamus petition. *See Harmon Cove Condo. Ass'n, Inc. v. Marsh*, 815 F.2d 949, 951 (3d Cir. 1987); *GBForefront, L.P. v. Forefront Mgmt. Grp., LLC*, 888 F.3d 29, 34 n.5 (3d Cir. 2018); *In re Fin. Oversight & Mgmt. Bd. for P.R.*, 985 F.3d 122, 127 (1st Cir. 2021). We may affirm the District Court's judgment for any reason supported by the record. *Laurel Gardens, LLC v. Mckenna*, 948 F.3d 105, 116 (3d Cir. 2020).

Givey did not establish his entitlement to mandamus relief. Although a district court may issue a writ of mandamus under 28 U.S.C. § 1361 to compel "an officer or employee of the United States . . . to perform a duty owed to the plaintiff," it may only do so if the duty owed is "a clear nondiscretionary duty." *Heckler v. Ringer*, 466 U.S. 602, 616 (1984). An executive branch official's decision to prosecute an individual is purely discretionary; therefore, mandamus could not lie under § 1361 to compel prosecution. *See United States v. Berrigan*, 482 F.2d 171, 180 & n.14 (3d Cir. 1973); *see also Inmates of Attica Corr. Facility v. Rockefeller*, 477 F.2d 375, 379 (2d Cir. 1973) (stating that "federal courts have traditionally and, to our knowledge, uniformly refrained from overturning, at the instance of a private person, discretionary decisions of federal prosecuting authorities not to prosecute persons regarding whom a complaint of criminal conduct is made.").¹ Nor could Givey compel his placement into the witness protection program. *See Abbott v.*

Petrovsky, 717 F.2d 1191, 1193 (8th Cir. 1983) (per curiam) (explaining that whether a witness will be protected under the Witness Protection Program “is entirely within the Attorney General’s discretion”); *see also Garcia v. United States*, 666 F.2d 960, 962 (5th Cir. 1982) (“One cannot receive [witness] protection simply on demand.”).

Thus, Givey did not establish his entitlement to the requested writ. *See Stehney v. Perry*, 101 F.3d 925, 934 & n.6 (3d Cir. 1996). We will affirm the District Court’s judgment.²

¹ While Givey has a First Amendment right to petition the Government for redress of grievances, this right does not require the Government to act regarding the relief demanded. *See Rodriguez v. Newsom*, 974 F.3d 998, 1010 (9th Cir. 2020) (citing *Smith v. Ark. State Highway Emps., Loc. 1315*, 441 U.S. 463, 465 (1979)).

² Givey’s motions to disqualify Judges Porter and Restrepo are denied as moot without prejudice to his submitting a renewed request in the event that he seeks rehearing of this decision.

No. 25-6881

In the
Supreme Court of the United States

In Re Ryan P. Givey,
Petitioner

CERTIFICATION OF GOOD FAITH

I, Ryan P. Givey certify I filed this petition for Rehearing in good faith and not to
cause delay or for any other improper purpose.

/s/Ryan P. Givey

Ryan P. Givey

610-348-5720

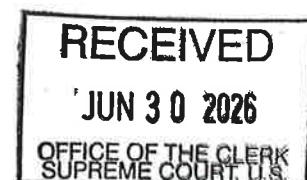
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6/17/26

Date



No. 25-6881
To the Supreme Court of the United States

In Re Ryan P. Givey, Petitioner
Petition for Rehearing

Certificate of Compliance With Type-Volume Limit,
Typeface Requirements, and Type Style Requirements

1. This document complies with the type-volume limit of the Supreme Court of the United States Rule 33, the word limit of the Supreme Court of the United States Rule 33.1(g) because excluding parts of the document exempted by the Supreme Court of the United States in Rule 33.1(d) and as required by Supreme Court of the United States Rule 33.1(h);
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 - a. I prepared the document using Microsoft Word; Font Size 12; in Century and paid to have this booklet prepared in proportionally spaced typeface and sized paper on both sides of the page, 6 1/8 in x 9 1/4 in format.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 17, 2026

Respectfully submitted,

/s/ Ryan P. Givey
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