

No. _____
(Below: USCA3 No. 25-1188)

IN THE
SUPREME COURT OF THE UNITED STATES

JOSEPH CAMMARATA,
Applicant,
v.
UNITED STATES OF AMERICA, et al.,
Respondents.

APPLICATION TO THE HONORABLE SAMUEL A. ALITO, JR.,
ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES
AND CIRCUIT JUSTICE FOR THE THIRD CIRCUIT,
FOR AN EXTENSION OF TIME WITHIN WHICH
TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Joseph Cammarata, Pro Se
Register No. 02555-506
Clay County Detention Center
41771 Highway 77, Suite 2
Ashland, Alabama 36251

TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE OF THE SUPREME
COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE THIRD CIRCUIT:

Pursuant to Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c), Applicant Joseph Cammarata, appearing pro se and in forma pauperis, respectfully applies for a sixty-day extension of time within which to file a petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit in the above-captioned matter. The current deadline is June 2, 2026. Applicant requests that the new deadline be set at August 1, 2026.

In support of this Application, Applicant states the following.

I. THE EXTRAORDINARY CIRCUMSTANCE

1. On April 14, 2026, the United States District Court for the Middle District of Alabama entered an Order directing the Bureau of Prisons to respond by May 5, 2026 to Applicant's pending Petition under 28 U.S.C. § 2241. See *Cammarata v. Washington*, No. 2:26-cv-00007-ECM-CWB (M.D. Ala.), ECF No. 6. The very next day, on April 15, 2026, Applicant was forcibly transferred from the Federal Prison Camp at Montgomery, Alabama, to Clay County Jail, Ashland, Alabama, where he is presently held. The transfer occurred on a stated basis that, on the verifiable record, is unprecedented: that three sealed packages mailed to Applicant by the Office of the Clerk of this Court were "drenched in methamphetamines."

2. The three sealed packages bore the return address of the Office of the Clerk of the Supreme Court of the United States. They were withheld from being opened in Applicant's presence in violation of 28 C.F.R. § 540.18, removed from his sight, returned to Bureau staff out of view for approximately twenty minutes, and used as the sole stated basis for Applicant's transfer — in the clothing he had been wearing at mail call, with no incident report, no disciplinary hearing, and less than one hour of elapsed time from mail call to transport.

3. The three packages are identifiable on the record. Through the Office of the Clerk's automated notification system at No-Reply@supremecourt.gov, Applicant's authorized electronic contact received confirmation on April 16, 2026 identifying the three items mailed by the Clerk and presented at mail call on April 15, 2026 as:

(a) the letter dated March 17, 2026, signed by Scott S. Harris, Clerk of the Supreme Court, by Robert Meek, regarding the emergency application to the Circuit Justice in USCA3 No. 24-1381;

(b) the letter dated April 8, 2026, signed by Scott S. Harris, Clerk, by Robert Meek, regarding the emergency application to the Circuit Justice in USCA3 No. 24-1381; and

(c) the letter dated April 9, 2026, signed by Scott S. Harris, Clerk, by Sara Simmons, regarding *Cammarata v. United States*, Supreme Court No. 23-2110 (identifying specific defects to be cured under Supreme Court Rules 14 and 39).

4. The Clerk's Office's own records will confirm that these three items were mailed by the Office of the Clerk to Applicant at FPC Montgomery. In addition, in a telephone inquiry to the Office of the Clerk in late March 2026, made on Applicant's behalf, Mr. Kyle Ratliff of the Clerk's Office orally confirmed that at least three items of correspondence had been mailed by the Clerk's Office to Applicant at FPC Montgomery and identified those items as relating to Supreme Court No. 23-2110, the All Writs Act application addressed to the Circuit Justice, and Supreme Court No. 25-6128. A formal written inquiry was transmitted by Applicant's office to Mr. Meek, Mr. Ratliff, and Ms. Sara Simmons of the Office of the Clerk on April 22, 2026.

5. The verifiable consequence of the April 15, 2026 transfer is that Applicant is presently held at Clay County Jail with no access to his legal files, which remain at FPC Montgomery. He has not received the three packages or their contents. He does not know their present location or condition. He has received

no incident report, no disciplinary charge, no Unit Discipline Committee or Discipline Hearing Officer hearing, and no written notice of any specific allegation. 28 C.F.R. §§ 541.5 and 541.7 require prompt service of an incident report and UDC referral. Neither has occurred. Applicant has no information as to how long he will remain at Clay County Jail.

6. The full factual record of the April 15, 2026 transfer is documented in *Cammarata v. Washington*, No. 2:26-cv-00007-ECM-CWB (M.D. Ala.), at ECF No. 10 (Emergency Motion to Supplement Petition and for Immediate Injunctive Relief Based on Retaliatory Transfer, Interference with Legal Mail from the Supreme Court of the United States, and Denial of Access to the Courts). Applicant has alleged in that pending matter, and incorporates here by reference, that the April 15, 2026 transfer was a retaliatory act in response to the protected activity of filing the § 2241 Petition in Case No. 2:26-cv-00007 and obtaining the April 14, 2026 Order to Answer. The temporal proximity is exact: the Order to Answer was entered on April 14, 2026; the transfer occurred on April 15, 2026. Applicant does not ask this Court to adjudicate the retaliation claim in this Application; that claim is before the United States District Court for the Middle District of Alabama. Applicant references the retaliation allegation, and the pending Middle District of Alabama proceeding, solely to apprise this Court that the conditions giving rise to this Application are themselves the subject of an active federal proceeding, are not within Applicant's control, and may persist indefinitely.

II. JURISDICTION AND STANDARD

7. Justice Alito is the Circuit Justice for the United States Court of Appeals for the Third Circuit and has authority under Supreme Court Rule 13.5 to extend the time within which to file a petition for a writ of certiorari for a period not exceeding sixty days, "for good cause shown."

8. Good cause is plainly shown where, as here, the applicant is involuntarily separated from his legal materials by federal correctional authorities, on a stated basis directly implicating mail sent to him by this Court itself, with no scheduled return date. The standard for the equitable balancing applicable to a Circuit Justice is set forth in *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam), and *Conkright v. Frommert*, 556 U.S. 1401, 1402 (2009) (Ginsburg, J., in chambers), considering the irreparable nature of the harm and the relative equities. The harm here — total deprivation of access to one's own legal record while a cert deadline runs — cannot be remedied after the fact.

III. THE CASE BELOW

9. Applicant filed a petition for a writ of mandamus in the United States Court of Appeals for the Third Circuit on January 31, 2025, docketed as No. 25-1188. The petition raised constitutional violations arising out of three related federal proceedings involving Applicant: a fraud prosecution in the Eastern District of Pennsylvania (USDC E.D. Pa. No. 21-cr-00427), a civil enforcement action by the Securities and Exchange Commission in the same district (USDC E.D. Pa. No. 21-cv-04845), and a tax prosecution in the District of New Jersey (USDC D.N.J. No. 22-cr-00639).

10. The Government appeared in 25-1188 (USCA3 ECF Nos. 9, 10) but never filed a response to the petition itself. On April 14, 2025, Applicant filed a notice (USCA3 ECF No. 13) advising the Court that the petition was completely unopposed.

11. On January 26, 2026, a panel of the Third Circuit (Krause, Phipps, Scirica, JJ.) entered a not-precedential opinion denying the petition (USCA3 ECF Nos. 17, 18) without substantive engagement with the constitutional questions presented.

12. On March 4, 2026, the Third Circuit denied rehearing en banc (USCA3 ECF No. 22). Applicant's deadline to file a petition for a writ of certiorari is June 2, 2026.

IV. RELIEF REQUESTED

For the reasons set forth above, Applicant respectfully requests that this Court grant Applicant a sixty-day extension of time, to and including August 1, 2026, within which to file a petition for a writ of certiorari in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JC' or similar initials, with a long, sweeping flourish extending upwards and to the right.

Joseph Cammarata, Pro Se

Register No. 02555-506

Clay County Detention Center

41771 Highway 77, Suite 2

Ashland, Alabama 36251

Dated: May 22, 2026

CLD-086

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1188

IN RE: JOSEPH CAMMARATA,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Eastern District of Pennsylvania
(Related to 2:21-cr-00427-001 & 2:21-cv-04845); and the
United States District Court for the District of New Jersey
(Related to 3:22-cr-00639-001)

Submitted Pursuant to Rule 21, Fed. R. App. P.
February 20, 2025

Before: KRAUSE, PHIPPS, and SCIRICA, Circuit Judges

(Opinion filed: January 26, 2026)

OPINION*

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

PER CURIAM

Joseph Cammarata, proceeding pro se, petitions for a writ of mandamus to compel the District Courts to take various actions across his three related federal-court matters. We will deny the mandamus petition.

In October 2022, Cammarata was convicted in the United States District Court for the Eastern District of Pennsylvania of conspiracy, wire fraud, and money laundering based on his submission of false claims to securities class action claims administrators. He was sentenced in June 2023 to ten years in prison with monetary liability totaling over forty-eight million dollars. See E.D. Pa. Crim. No. 2:21-cr-00427. Upon review, we affirmed the conspiracy, wire fraud, and money laundering convictions. We vacated the restitution order, vacated the forfeiture order in part, and remanded the matter for further proceedings. United States of America v. Joseph Cammarata, C.A. No. 23-2110.

While that criminal matter was proceeding, the Securities and Exchange Commission (SEC) commenced a parallel civil action against Cammarata. E.D. Pa. 2:21-cv-04845. In January 2022, pursuant to a stipulation by the parties, the District Court issued a preliminary injunction freezing Cammarata's assets. The District Court ultimately entered summary judgment against Cammarata. Among other remedies, the District Court ruled that Cammarata's payment obligation to the SEC was \$2,701,793.98, an amount that was offset by the restitution and forfeiture orders in his criminal case. Cammarata's appeal from the District Court's judgment is pending. SEC v. Cammarata, C.A. No. 24-1381.

Meanwhile, in November 2023, Cammarata was convicted in the United States District Court for the District of New Jersey of tax evasion. D.N.J. 3:22-cr-00639-001. He was sentenced to seventy-two months' imprisonment and ordered to pay over six million dollars in restitution. His appeal in that case is also pending before us. United States v. Cammarata, C.A. No. 24-1983.

In February 2025, Cammarata filed this mandamus petition “to redress pervasive and systematic violations of constitutional rights and judicial ethics across three interrelated federal cases.” Pet. 1, ECF No. 5. Specifically, he contends that the prosecutors in the criminal cases violated his due process rights by relying on fabricated evidence and constructively amending the indictments mid-trial; that the prosecutors in the tax case committed Brady violations and made misrepresentations to the grand jury; that the SEC violated his due process rights by securing an ex-parte temporary restraining order and freezing his assets; that the district judge in the fraud case erroneously applied sentencing enhancements; and that the district judge in the fraud and civil cases demonstrated a lack of impartiality by making inappropriate comments, deleting portions of the transcript, holding simultaneous hearings in both matters, and engaging in ex parte communication with the judge of a related case.

A writ of mandamus is an extraordinary remedy. In re Kensington Int'l Ltd., 353 F.3d 211, 219 (3d Cir. 2003). A petitioner must show that he has no other adequate means to obtain relief, that he has a clear and indisputable right to the writ, and that the writ is appropriate under the circumstances. Hollingsworth v. Perry, 558 U.S. 183, 190

(2010) (per curiam) (internal quotation marks and citation omitted). “[A] writ of mandamus may not issue if a petitioner can obtain relief by appeal.” Madden v. Myers, 102 F.3d 74, 77 (3d Cir. 1996).

Cammarata has not demonstrated that he has a clear and indisputable right to a writ or that he has no other adequate means to obtain relief. He can obtain appellate review of the issues he raises here. See In re Kensington Int’l Ltd., 353 F.3d 211, 219 (3d Cir. 2003) (“If, in effect, an appeal will lie, mandamus will not.”). To the extent that Cammarata asserts that the district judges are biased against him, we see no evidence of bias or any other reason why the judges should recuse themselves from Cammarata’s cases. See 28 U.S.C. § 455 (setting forth standards for recusal). “We have repeatedly stated that a party’s displeasure with legal rulings does not form an adequate basis for recusal” Securacomm Consulting, Inc. v. Securacom Inc., 224 F.3d 273, 278 (3d Cir. 2000). Moreover, it appears that Cammarata never sought recusal in the tax case. Therefore, he cannot make the required showing that he has “no other adequate means to attain the desired relief” in that matter. In re Kensington Int’l Ltd., 353 F.3d 211, 223-24 (3d Cir. 2003) (denying mandamus on this basis when recusal motion was pending before district judge).

Accordingly, we will deny Cammarata’s mandamus petition.¹

¹ Cammarata’s pending motions in C.A. No. 25-1188 are denied.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-1188

In re: JOSEPH CAMMARATA,
Petitioner

(2:21-cr-00427-001; 2:21-cv-04845; 3:22-cr-00639-001)

SUR PETITION FOR REHEARING

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

The petition for rehearing filed by Petitioner Joseph Cammarata 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.

*Judge Scirica's vote is limited to panel rehearing.

BY THE COURT,

s/ Cheryl Ann Krause
Circuit Judge

Dated: March 4, 2026
Amr/Cc: All counsel of record