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No.

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SUPREME COURT, U.S.

IN THE

Supreme Court of the United States

IN RE JOSEPH CAMMARATA,

Petitioner.

On Petition for a Writ of Certiorari to the

United States Court of Appeals for the Third Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

This petition presents compelling reasons for review under this Court's Rule 10. It arises from the Third Circuit's denial of a petition for a writ of mandamus that raised, across three related federal cases, a conviction for conduct this Court has held lawful, prosecutorial fabrication of evidence, and judicial disqualification. The Government appeared but never answered the petition; it sat unopposed for nearly a year; and the court of appeals then denied it, in a four-page not-precedential opinion that engaged none of the constitutional allegations, on the ground that petitioner "can obtain appellate review" in his pending direct appeals. Two of those appeals have since been affirmed by the same court whose impartiality is challenged, and the third, the very proceeding pitting petitioner against the government attorney whose spouse is employed by that court, has sat undecided for more than two years without a responsive brief, so that this Court is now the only forum in which petitioner can obtain any review at all.

The case satisfies Rule 10 on two independent grounds. First, under Rule 10(a), the court of appeals "so far departed from the accepted and usual course of judicial proceedings . . . as to call for an exercise of this Court's supervisory power": it held an unopposed, fully submitted petition alleging fabricated evidence and a structural conflict for 361 days, disposed of every motion, including a motion to transfer the case to a circuit free of the conflict, in a single sentence, and denied relief without ever addressing the conflict it was asked to remedy, all while itself operating under the very disqualifying relationship alleged. Second, under Rule 10(c), the courts below have left standing, and refused to test, a federal criminal conviction that squarely conflicts with this Court's unanimous decision in Sprint Communications Co. v. APCC Services, Inc., 554 U.S. 269 (2008): an important question of federal law this Court has never resolved and that will recur, namely whether conduct this Court has held lawful may be punished as a federal crime where no court will adjudicate the controlling authority. The integrity of the federal courts, and the public's confidence in them, are directly at stake. The questions presented are:

1. Whether a court of appeals may deny mandamus for want of "other adequate means to obtain relief," Cheney v. U.S. Dist. Court, 542 U.S. 367, 380 (2004), by pointing to direct appeals that are either (a) pending unadjudicated before the same court for more than two years while the Government defaults on its briefing, or (b) since resolved against the petitioner by that same court, so that the "adequate alternative" the court invoked is now no alternative at all.

2. Whether the Due Process Clause is violated, and vacatur required under Williams v. Pennsylvania, 579 U.S. 1 (2016), Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009), and Tumey v. Ohio, 273 U.S. 510 (1927), where all four of petitioner's related appeals were heard within a single court of appeals, every panel of which was operationally supported by Jeanne

T. Donnelly, an attorney employed by that court's own Executive Office who is the spouse of the very government attorney petitioner had charged with the uncontested misconduct; where the one proceeding placing petitioner directly against her husband, the Securities and Exchange Commission enforcement appeal, No. 24-1381, has itself been left undecided for more than two years without a responsive brief from the Government; where the relationship is established of record, was asserted in petitioner's filings for more than two years, and was never once denied; and where that same court, itself laboring under the conflict, disposed of the unopposed mandamus petition raising it through a 361-day silence and a denial that engaged none of the constitutional allegations.

3. Whether a federal criminal conviction may stand, and mandamus lies to compel its examination, where in four and a half years no court, trial, panel, or en banc, has ever adjudicated whether the charged conduct is an offense against the United States, when that conduct is the assignment of securities class-action settlement claims, the precise conduct this Court unanimously held lawful in Sprint Communications Co. v. APCC Services, Inc., 554 U.S. 269 (2008); where the prosecution suppressed Sprint and the financially interested trial judge failed to enter the order required by Federal Rule of Criminal Procedure 5(f); and where every subsequent conviction, judgment, and ruling against petitioner is predicated on that single unreviewed conviction.

4. Whether, under United States v. Olano, 507 U.S. 725 (1993), the combined effect of these features "seriously affect[s] the fairness, integrity, or public reputation of judicial proceedings" such that this Court's supervisory intervention is warranted.

PARTIES TO THE PROCEEDING AND RELATED CASES

The petitioner is Joseph Cammarata, petitioner below. The respondents in the court of appeals were the United States of America and the United States Securities and Exchange Commission, which entered appearances (USCA3 ECF Nos. 9, 10) but filed no response to the petition.

Proceedings directly related within the meaning of Rule 14.1(b)(iii):

United States v. Cammarata, No. 21-cr-427 (E.D. Pa.) (judgment of conviction; amended Section 2255 pending, Civ. No. 26-379).

United States v. Cammarata, 129 F.4th 193 (3d Cir. 2025), pet. for cert. pending, No. 23-2110 (U.S.).

SEC v. Cammarata, No. 21-cv-4845 (E.D. Pa.); appeal pending, No. 24-1381 (3d Cir.).

United States v. Cammarata, No. 24-1983 (3d Cir.) (tax appeal; rehearing denied; cert. time extended to Oct. 4, 2026, App. No. 25A1323).

In re Cammarata, No. 25-1188 (3d Cir.) (the judgment below).

Cammarata v. Washington, No. 2:26-cv-00007-ECM-CWB (M.D. Ala.) (Section 2241; access-to-courts and retaliatory-transfer claim pending).

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OPINIONS AND ORDERS BELOW

The not-precedential opinion of the court of appeals denying the writ of mandamus (Krause, Phipps, and Scirica, JJ.) is unreported and is reproduced at App. A (opinion) and App. B (order) (USCA3 ECF Nos. 17 and 18, filed Jan. 26, 2026). The order denying panel rehearing and rehearing en banc is unreported and is reproduced at App. C (USCA3 ECF No. 22, filed Mar. 4, 2026).

JURISDICTION

The court of appeals denied the petition for a writ of mandamus on January 26, 2026, and denied a timely petition for rehearing and rehearing en banc on March 4, 2026. On May 28, 2026, Justice Alito, Circuit Justice for the Third Circuit, extended the time within which to file this petition to and including August 1, 2026 (App. No. 25A1322). This Court's jurisdiction is invoked under 28 U.S.C. Section 1254(1).

CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS INVOLVED

This case involves the Fifth Amendment (Due Process and Grand Jury Clauses); 28 U.S.C. Section 455; 28 U.S.C. Section 1651 (the All Writs Act); 18 U.S.C. Section 3231; 18 U.S.C. Section 3663A; and Federal Rule of Criminal Procedure 5(f). The relevant texts are reproduced at App. F.

STATEMENT OF THE CASE

A. The conduct charged: assignment of real trades owned by petitioner, filed as class-action claims by the fully disclosed beneficial owner, the precise conduct that Sprint holds lawful.

Petitioner founded SpeedRoute, a trading-technology firm that at its peak executed on the order of eleven million trades per day, roughly three percent of daily United States equity-exchange volume. Trial Tr., Day 5 (Oct. 25, 2022), at 57:19-58:4. Petitioner owned the trades and the underlying trade data, and assigned them to three entities, Quartis, Nimello, and Invergasa, which then filed securities class-action settlement claims as the fully disclosed beneficial owners of the assigned claims. Petitioner testified that this practice was lawful and invoked Sprint by name. Trial Tr., Day 5, at 53:1-54:6.

This was not a novel or improvised theory. Petitioner had been filing securities class-action settlement claims as a beneficial owner through assignment since 2009, when his attorney at Sadis & Goldberg in New York advised him of this Court's then-recent decision in Sprint Communications Co. v. APCC Services, Inc., 554 U.S. 269 (2008), and explained that it was precisely the conduct in which petitioner was engaged. Petitioner relied on that controlling authority, and on the advice of counsel, again in 2014. He was nonetheless convicted, through constitutional violations, a constructive amendment of the indictment, Brady violations, and prosecutorial and judicial misconduct, of the very conduct this Court had held lawful.

In October 2022 petitioner was convicted in the Eastern District of Pennsylvania of conspiracy, wire fraud, and money laundering and sentenced in June 2023 to ten years' imprisonment with monetary liability exceeding forty-eight million dollars. No. 21-cr-427. On direct appeal the Third Circuit affirmed the convictions but vacated the restitution order and vacated the forfeiture order in part. United States v. Cammarata, 129 F.4th 193 (3d Cir. 2025) (No. 23-2110). Notwithstanding that the Government never identified any victim, and that the district court's own unilateral designation of a "victim" was disproven on the record and rejected by the Third Circuit panel, restitution continues to be assessed against petitioner, a result irreconcilable with 18 U.S.C. Section 3663A, which presupposes an identifiable victim of the offense.

A parallel SEC enforcement action before the same district judge resulted in judgment against petitioner; his appeal, No. 24-1381, was docketed March 5, 2024 and remains undecided more than two years later. In November 2023 petitioner was separately convicted of tax evasion in the District of New Jersey and sentenced to seventy-two months. No. 24-1983. That prosecution was itself deeply problematic, resting on a defective indictment, undeniable Brady violations, and other defects, and it was predicated solely on the corrupted fraud conviction; the appeal is now decided against petitioner, by the same troubled and conflicted court of appeals.

B. The mandamus petition, the Government's non-response, the swept-aside motions, and the year of silence.

On January 31, 2025, petitioner filed the petition for a writ of mandamus, No. 25-1188, "to redress pervasive and systematic violations of constitutional rights and judicial ethics across three interrelated federal cases." USCA3 ECF No. 5. He contended, among other things, that the prosecutors relied on fabricated evidence and constructively amended the indictments; that exculpatory legal authority (Sprint) had been suppressed; and that the district judge was subject to statutory disqualification, including a financial interest he acknowledged on the record. See ECF No. 17, at 3 (panel's summary of the claims).

The United States and the SEC entered appearances on March 6 and 7, 2025 (ECF Nos. 9, 10) but never filed any response to the petition. On April 14, 2025, petitioner filed a notice advising the court that the petition was "completely unopposed." ECF No. 13. The petition was fully submitted as of February 20, 2025. ECF No. 17, at 1.

Petitioner also filed a series of motions the court neither analyzed nor decided on the merits: a motion for a related-appellant panel and to expedite review (ECF No. 2); a motion to transfer the proceedings out of the Third Circuit to the Second Circuit, that is, to a court free of the conflict alleged (ECF No. 12); a motion to provide newly discovered dispositive evidence (ECF No. 14); and a motion for clarification and a statement of reasons (ECF No. 16). Every one of these was disposed of in a single sentence: "Cammarata's pending motions in C.A. No. 25-1188 are denied." ECF No. 17, at 4 n.1.

The court of appeals did not rule until January 26, 2026, 361 days after the petition was docketed. In a four-page not-precedential per curiam opinion, the panel denied the writ on the ground that petitioner "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," reasoning that "[h]e can obtain appellate review of the issues he raises here." ECF No. 17, at 3-4. As to disqualification, the panel stated it saw "no evidence of bias," id. at 4, without addressing the fabricated-evidence allegations, the suppression of Sprint, the Section 455(b)(4) financial interest acknowledged from the bench, the operational role of Ms. Donnelly, the deletions from the hearing transcripts, or the district judge's documented biased remarks. On March 4, 2026, the en banc court denied rehearing. ECF No. 22.

REASONS FOR GRANTING THE PETITION

I. The decision below makes the "adequate alternative remedy" bar swallow the writ, and events since have proven the alternative illusory.

Mandamus is unavailable where the petitioner has "other adequate means to attain the relief he desires," Cheney, 542 U.S. at 380 (quoting Kerr v. U.S. Dist. Court, 426 U.S. 394, 403 (1976)), and "where an appeal will lie, mandamus will not," Roche v. Evaporated Milk Ass'n, 319 U.S. 21, 27-28 (1943). That rule presupposes the appeal is a real avenue of relief.

Here it was not. The panel pointed petitioner to his pending appeals. But No. 24-1381, the SEC appeal and the single most conflicted of the related proceedings, was docketed on March 5, 2024 and remains undecided more than two years later. That appeal in fact encompasses two independent orders, the denial of recusal and the entry of judgment on an erroneous application of collateral estoppel in the absence of subject-matter jurisdiction, which the Third Circuit combined into the single docket 24-1381 only after petitioner had already filed. Petitioner filed his pro se opening brief on June 21, 2024 (ECF No. 22). The Securities and Exchange Commission obtained three separate extensions of its response brief and then never filed one; it instead secured a stay of the appeal at its own request (ECF Nos. 48, 51) pending No. 23-2110, and after the stay was lifted on August 26, 2025 it sought yet another sixty days (ECF No. 86). To this day it has filed no merits response brief. Meanwhile, every effort by petitioner to break the impasse or cure the conflict was denied: his motions to reassign the appeal to a panel free of the alleged taint (ECF No. 65), to lift the stay (ECF No. 71), for release of assets frozen under a temporary restraining order he contends expired by operation of law no later than November 24, 2021 (ECF No. 71), to change venue to this Court (ECF No. 79), and to disqualify the entire Third Circuit under 28 U.S.C. Section 455 (ECF No. 83), were each denied, the disqualification challenge decided by the very judges it named. The appeal squarely raises, and no court has yet adjudicated, petitioner's contentions that the asset freeze rested on an improper ex parte TRO entered without due process and on forged proofs of service, that the same judge conducted simultaneous hearings in Philadelphia and Miami, and that the court refused to address his formal judicial-misconduct complaints. An appeal that has produced no merits decision in more than two years, in which the disqualification challenge itself was decided by the challenged judges, is not an adequate remedy; it is the absence of one. Cf. La Buy v. Howes Leather Co., 352 U.S. 249 (1957).

And as to the two appeals that have moved, the fraud appeal (23-2110) and the tax appeal (24-1983), they were affirmed by the same Third Circuit whose structural impartiality is the subject of Question 2. Direct appellate review is now exhausted. This Court is the only forum left. Whatever force the "you can appeal instead" rationale had when the panel invoked it, it has none now: there is no other adequate means, and the writ, together with this Court's review of its denial, is the sole remaining path to any adjudication at all.

The reason these uncontested constitutional infractions, this denial of due process, and this documented judicial misconduct have gone unexamined for so long will shock the conscience of any jurist with even a modicum of integrity. That reason is the subject of the next Argument.

II. The court below was structurally disabled from impartiality, because the panels were supported by the prosecutor's spouse, and the point stands admitted.

"[N]o man is permitted to try cases where he has an interest in the outcome," In re Murchison, 349 U.S. 133, 136 (1955), and this Court has ordered relief where the risk of bias was constitutionally intolerable without any showing of actual bias. Williams, 579 U.S. 1; Caperton, 556 U.S. 868; Aetna Life Ins. Co. v. Lavoie, 475 U.S. 813 (1986); Tumey, 273 U.S. 510.

Every panel of the Third Circuit to consider petitioner's four related cases was operationally supported by Jeanne T. Donnelly, an attorney employed by the Executive Office of the United States Court of Appeals for the Third Circuit, who is the spouse of the very prosecutor petitioner accused of the uncontested misconduct. That relationship is a matter of public employment record. Petitioner asserted it in his filings, repeatedly, for more than two years; the Government and the court had every opportunity to deny or explain it and never did. It is now an established and uncontested fact. Cf. Fed. R. Civ. P. 8(b)(6) (an allegation not denied is admitted). A court so situated is structurally disabled from the impartiality the Due Process Clause requires, and its disposition of the very petition raising that conflict, through a year of silence and a denial that never mentioned Ms. Donnelly, is precisely the circumstance in which this Court has not hesitated to act.

III. In four and a half years no court has adjudicated whether the charged conduct is a crime, though Sprint, this Court's own unanimous, suppressed, exculpatory authority, makes a conviction impossible.

The conduct charged is the conduct this Court unanimously held lawful in Sprint, 554 U.S. at 285-88: a valid assignee may assert the assigned claim though the recovery belongs to the assignor. Securities class-action settlement rights are freely assignable, and the Government's own claims-administrator witnesses confirmed both that a party may file on behalf of a beneficial owner with proof of authority and that they never determined the underlying trades were not real. Trial Tr., Day 1, at 183 (Facciolla); Day 4, at 172-73 (Chiango). Across seven years and more than ten million trades, no duplicate claim was ever identified, the statistical signature of real, exclusively owned trades. ECF 310 (sentencing) at 59.

Sprint is not persuasive authority to be weighed; it is this Court's own controlling law, and applied to the charged conduct it forecloses the existence of any federal offense and any subject-matter jurisdiction under 18 U.S.C. Section 3231. Yet the prosecution never cited it, and the trial judge, who acknowledged a financial interest from the bench, failed to enter the order required by Federal Rule of Criminal Procedure 5(f) and the Due Process Protections Act of 2020, the very mechanism designed to compel disclosure of controlling, exculpatory authority.

That the failure to engage Sprint was deliberate rather than inadvertent is documented on the face of the fraud appeal. The panel's opinion (No. 23-2110, ECF No. 59, Feb. 24, 2025) misstated material facts of the trial record and did not address Sprint, the Brady violations, or the Rule 5(f) failure. When petitioner filed an addendum correcting those misstatements point by point (No. 23-2110, ECF No. 69, May 1, 2025), the court declined to entertain it. Neither the trial court, the panel, nor the en banc court has ever adjudicated the charged conduct against Sprint. And because every other proceeding against petitioner, the SEC judgment, the tax conviction, the restitution, and the collateral rulings, is predicated on that single, unreviewed, corrupted conviction, the failure to test it against this Court's own law is not a discrete error but the keystone of the entire structure.

IV. The cumulative effect warrants the Court's intervention.

Taken together, a conviction never tested against this Court's controlling authority, an admitted structural conflict in the appellate court, an unopposed petition denied after a year of silence without engaging its claims, merits motions denied in a single sentence, and an "adequate remedy" that is either years pending and defaulted or now foreclosed, these features "seriously affect the fairness, integrity, [and] public reputation of judicial proceedings." Olano, 507 U.S. at 736. Certiorari should be granted.

CONCLUSION

The petition for a writ of certiorari should be granted. In the alternative, the Court should grant, vacate, and remand with instructions that the court of appeals adjudicate the mandamus petition on its merits before a panel drawn and supported without the structural conflict alleged.

Respectfully submitted,

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Dated: July 25, 2026