

APPENDIX A

Opinion denying the petition for a writ of mandamus (No. 25-1188, ECF No. 17, Jan. 26,
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NOT PRECEDENTIAL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.

APPENDIX B

Certified order denying the petition for a writ of mandamus (No. 25-1188, ECF No. 18, Jan. 26, 2026)

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE

215-597-2995

January 26, 2026

Mr. George V. Wylesol
United States District Court for the Eastern District of Pennsylvania
James A. Byrne United States Courthouse
601 Market Street
Philadelphia, PA 19106

RE: In re: Joseph Cammarata
Case Number: 25-1188
District Court Case Number: 2:21-cr-00427-001
District Court Case Number: 2:21-cv-04845
District Court Case Number: 3:22-cr-00639-001

Dear Clerk:

Enclosed please find copies of the following filed today in the above-entitled case:

1. Opinion
2. Certified copy of the order denying the issuance of a writ of mandamus/prohibition.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Date: January 26, 2026

Amr/cc: Joseph Cammarata,
Honorable Chad F. Kenney,
David D. Lisitza, Esq.
Paul G. Shapiro, Esq.
Honorable Peter G. Sheridan

CLD-086

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

ORDER

PER CURIAM:

This cause came to be considered on a petition for writ of mandamus submitted on February 20, 2025. On consideration whereof, it is now hereby **ORDERED** by this Court that the petition for writ of mandamus be, and the same is, **denied**. All of the above in accordance with the opinion of the Court.

DATED: January 26, 2026



A True Copy:

Patricia A. Dodszeit

Patricia S. Dodszeit, Clerk

APPENDIX C

Order denying panel rehearing and rehearing en banc (No. 25-1188, ECF No. 22, Mar. 4,
2026)

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

APPENDIX D

Order denying disqualification of the entire Third Circuit and certification to the Supreme Court (No. 24-1381, ECF No. 83, Aug. 27, 2025)

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 24-1381

SECURITIES AND EXCHANGE COMMISSION

v.

JOSEPH A. CAMMARATA; ERIK COHEN; DAVID H. PUNTURIERI; ALPHAPLUS
PORTFOLIO RECOVERY CORP.; ALPHA PLUS RECOVERY LLC

Joseph A. Cammarata,
Appellant

(E.D. Pa. No. 2:21-cv-04845)

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

ORDER

Appellant's requests to disqualify the entire Third Circuit in this matter and to certify the case for immediate review by the Supreme Court of the United States are hereby denied.

By the Court,

s/ Michael A. Chagares
Chief Judge

Dated: August 27, 2025
Amr/cc: All counsel of record

APPENDIX E

Order denying the motion to lift stay and change venue to the Supreme Court (No. 24-1381,
ECF No. 79, Aug. 20, 2025)

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

DCO-142

No. 24-1381

SECURITIES AND EXCHANGE COMMISSION

v.

JOSEPH A. CAMMARATA; ERIK COHEN; DAVID H. PUNTURIERI; ALPHAPLUS
PORTFOLIO RECOVERY CORP.; ALPHA PLUS RECOVERY LLC

Joseph Cammarata,
Appellant

(E.D. Pa. No. 2:21-cv-04845)

Present: PHIPPS, CHUNG and SMITH, Circuit Judges

1. EMERGENCY MOTION filed by Appellant Joseph Cammarata to lift stay and for change of venue to the United States Supreme Court. "Which the Court may wish to treat as a motion for partial reconsideration of the Court's order entered May 19, 2025."
2. Response filed by Appellee SEC to motion to lift stay and for change of venue to the United States Supreme Court.

Respectfully,
Clerk/amr

ORDER

The foregoing Motion to Lift Stay and to Change Venue to the United States Supreme Court is DENIED.

By the Court,

s/D. Brooks Smith
Circuit Judge

Dated: August 20, 2025

CJG/cc: David D. Lisitza, Esq.
John R. Rady, Esq.
Joseph Cammarata

APPENDIX F

Pertinent Constitutional, Statutory, and Rule Provisions

Pertinent Constitutional, Statutory, and Rule Provisions

U.S. Const. amend. V. "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury . . . nor be deprived of life, liberty, or property, without due process of law"

28 U.S.C. Section 455(a). "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

28 U.S.C. Section 455(b)(4). "He shall also disqualify himself . . . [w]here he knows that he, individually or as a fiduciary, . . . has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding."

28 U.S.C. Section 1651(a) (All Writs Act). "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

18 U.S.C. Section 3231. "The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States."

18 U.S.C. Section 3663A(a)(1) (Mandatory Victims Restitution Act). "Notwithstanding any other provision of law, when sentencing a defendant convicted of an offense described in subsection (c) . . . the court shall order . . . that the defendant make restitution to the victim of the offense"

Fed. R. Crim. P. 5(f)(1). "In all criminal proceedings, on the first scheduled court date when both prosecutor and defense counsel are present, the court shall issue an oral and written order to prosecution and defense counsel that confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order"