

IN THE
SUPREME COURT OF THE UNITED STATES

JOSEPH CAMMARATA, Petitioner

v.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT, Respondent

On Petition for Writ of Mandamus to the United States Court of Appeals for the Third Circuit

PETITION FOR WRIT OF MANDAMUS

October 14, 2025
October Term, 2025

Respectfully submitted,

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(Petitioner, pro se)

QUESTIONS PRESENTED

1. Whether a United States Court of Appeals violates the Due Process Clause and the All Writs Act, 28 U.S.C. § 1651(a), by refusing to rule on an unopposed petition for writ of mandamus and thereby nullifying the right to judicial review.
2. Whether the Third Circuit's deliberate omission of controlling Supreme Court precedent—*Sprint v. APCC Services*, 554 U.S. 269 (2008), and Pennsylvania's Assignment of Claims Act of 1939—constitutes bias and misconduct warranting this Court's supervisory intervention.
3. Whether a court's persistent refusal to acknowledge jurisdictional law that negates the existence of any criminal offense violates the Fifth Amendment's guarantee of due process and mandates immediate corrective action by this Court.

PARTIES TO THE PROCEEDINGS

Petitioner: Joseph Cammarata.

Respondents: United States of America; United States Court of Appeals for the Third Circuit.

Related Proceedings:

- United States v. Cammarata, No. 21-cr-427 (E.D. Pa.)
- SEC v. Cammarata, No. 21-cv-4845 (E.D. Pa.)
- United States v. Cammarata, No. 22-cr-639 (D.N.J.)
- United States v. Cammarata, No. 23-2110 (3d Cir.)
- SEC v. Cammarata, No. 24-1381 (3d Cir.)
- United States v. Cammarata, No. 24-1983 (3d Cir.)
- In re Cammarata, No. 25-1188 (3d Cir.)

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Statutes and Rules:

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28 U.S.C. § 1651 (All Writs Act)
Pennsylvania Assignment of Claims Act of 1939, 69 P.S. §§ 521–523

I. Introduction

Petitioner Joseph A. Cammarata respectfully submits this Emergency Petition for a Writ of Mandamus to address a complete breakdown of judicial process within the United States Court of Appeals for the Third Circuit and its subordinate district courts. What began as isolated violations in parallel criminal and civil proceedings has evolved into a systemic failure of adjudication that now threatens the integrity of Article III itself. Across three coordinated prosecutions and one unruléd mandamus petition, the federal courts within the Third Circuit have departed from the fundamental requirement that judicial power be exercised according to law and reasoned decision.

The pattern is unmistakable. In the Eastern District of Pennsylvania, the Government obtained an *ex parte* temporary-restraining order and asset freeze on November 4, 2021 (ECF 4, 21-cv-4845) without any finding of irreparable harm and without notice to Petitioner. That order was extended repeatedly (ECF 16, 38, 40) in violation of Rule 65(b)(2) until it expired by operation of law on November 24, 2021 at 11:59 p.m., yet it remains enforced to this day—blocking access to counsel and property in direct conflict with *Luis v. United States*, 578 U.S. 5 (2016). At the same time, the same judge presided over Petitioner’s related criminal case, *United States v. Cammarata*, No. 21-cr-427, conducting simultaneous hearings without notice and thereby denying any meaningful opportunity to be heard. The Government withheld exculpatory and impeachment material in both matters, and the court failed to issue the certification mandated by the Due Process Protections Act of 2020 (Fed. R. Crim. P. 5(f)).

In the District of New Jersey, the Government filed a tax indictment (22-cr-639) predicated on the very “fraud” allegations still pending in Pennsylvania, again omitting required Rule 5(f) findings and withholding all exculpatory evidence. The case was prosecuted in an improper venue by the same conflicted team of attorneys. Together, these proceedings form a continuum of constitutional violations—defective indictments, denial of counsel, suppression of evidence, and judicial bias—each reinforcing the next.

Rather than correct these violations, the Third Circuit has compounded them. It issued a one-word denial of a jurisdictional motion in 23-2110, ignored a fully briefed appeal in 24-1381, allowed an entire record of Brady and Rule 5(f) violations to stand in 24-1983, and has left Petitioner’s unopposed emergency mandamus (25-1188) pending for more than eight months without ruling. When Petitioner filed a motion for clarification in September 2025, the court again refused to act. The result is not judicial restraint but a vacuum of adjudication—an appellate court shielding its own misconduct and that of its subordinate judges.

This Petition seeks not mere correction of error but intervention to prevent what Black’s Law Dictionary (3d Pocket Ed.) defines as a “miscarriage of justice”—a grossly unfair outcome in a judicial proceeding, as when a defendant is convicted despite a lack of evidence on an essential element of the crime. That definition captures what has occurred here. The record reflects convictions and civil judgments obtained through concealed evidence, unlawful ex parte restraining orders that were improperly extended and then ignored after expiration and conflicted adjudication—all now insulated by an appellate court that refuses to rule or explain. The result is a manifest injustice that ordinary appellate processes cannot remedy and that only this Court’s supervisory power under 28 U.S.C. § 1651(a) can now correct.

The constitutional collapse outlined above is not abstract. It is documented in the record of three coordinated district-court proceedings whose defects are traceable, measurable, and undeniable. Each case—the Eastern District of Pennsylvania criminal prosecution (21-cr-427), the parallel SEC enforcement action (21-cv-4845), and the New Jersey tax prosecution (22-cr-639)—contains specific procedural and constitutional violations preserved in their respective dockets and incorporated by reference in this Petition. Together they reveal a pattern of unlawful judicial conduct and prosecutorial abuse that rendered every subsequent appellate filing futile. Section II therefore summarizes, with citation to the official electronic case filings (ECF), the principal constitutional violations in each proceeding that collectively produced the present miscarriage of justice and necessitate this Court’s immediate intervention.

II. District-Court Constitutional Violations

A. Criminal Fraud Case – E.D. Pa. No. 21-cr-427

October 28, 2021 – Defective Indictment and Grand-Jury Misconduct

On October 28, 2021, the Government presented materially false and misleading testimony to the grand jury. Paragraph 11 of the indictment alleged that investors could recover in securities-class-action settlements only if they personally traded the security and sustained a trading loss. That assertion was legally false: under *Sprint v. APCC Services, Inc.*, 554 U.S. 269 (2008), and Pennsylvania’s established law of assignments, settlement claims may be freely assigned and enforced by an assignee. The grand jury was never informed of these controlling authorities, creating a charge where, as a matter of law, no crime could exist. The resulting indictment was constitutionally defective under *United States v. Williams*, 504 U.S. 36 (1992),

because the prosecutors failed to present exculpatory law essential to the grand jury's determination of probable cause. (See ECF 1–3.)

November 3, 2021 – Unsealing, Arrest, and Coordinated Civil Action

The indictment was unsealed on November 3, 2021. That same morning an arrest warrant issued and was executed at Miami International Airport, where Petitioner was taken into custody and detained at FDC Miami for roughly two weeks pending transfer. On that same date the Securities and Exchange Commission filed its companion civil complaint in *SEC v. Cammarata*, No. 21-cv-4845 (E.D. Pa.) (ECF 1), seeking an ex parte temporary-restraining order and asset freeze. Simultaneously, the FBI executed a search warrant at Petitioner's New Jersey office, seizing all corporate records, servers, and electronic devices except Petitioner's personal computers, which were left in the sole custody of a cooperating government witness. No inventory or chain-of-custody documentation was created, a deviation from standard FBI evidence protocols that later raised grave questions about the integrity of the trial exhibits.

These coordinated events were orchestrated to ensure that Petitioner was incarcerated, without counsel, and physically unable to appear or contest the SEC's filings. Same-day hearings were scheduled on both the criminal and civil dockets without notice, guaranteeing that the restraining order would issue uncontested and that Petitioner would be denied any meaningful opportunity to be heard. None of the procedural safeguards required by Rule 65(b) or *Granny Goose Foods v. Brotherhood of Teamsters*, 415 U.S. 423 (1974), were observed.

Judicial Conflict and Bias

Both the criminal and civil matters were assigned to Judge Chad F. Kenney, whose spouse actively practices as a Pennsylvania class-action attorney in the same field implicated by the indictment. The conflict was never disclosed or cured, in violation of 28 U.S.C. §§ 144 and 455. Judge Kenney's concurrent control of both proceedings—each reinforcing the other—created an appearance and reality of structural bias inconsistent with the Due Process Clause.

Suppression of Exculpatory Evidence and Rule 5(f) Non-Compliance

Throughout pre-trial proceedings the Government withheld Brady and Giglio material, and the district court failed to issue the certification required by the Due Process Protections Act of 2020 (Fed. R. Crim. P. 5(f)). No hearing was held to confirm compliance, and the docket contains no Rule

5(f) entry. These omissions deprived Petitioner of his constitutional rights to disclosure, to counsel of choice, and to a fair trial.

Constitutional Consequence

The events from October 28 through November 3, 2021 mark the inception of the constitutional collapse described in this Petition: a grand-jury presentation built on false law, an arrest and asset freeze coordinated to ensure Petitioner's absence from his own hearings, the seizure of exculpatory materials without chain of custody, and judicial bias that infected every subsequent ruling. From these acts flowed each later deprivation addressed in the sections that follow.

B. SEC Civil Case – E.D. Pa. No. 21-cv-4845

The Securities and Exchange Commission's enforcement action in the Eastern District of Pennsylvania was conceived and executed in coordination with the Department of Justice's criminal prosecution and became the vehicle through which the Government ensured that Petitioner would be stripped of counsel, assets, and any realistic ability to defend himself. The record demonstrates that the case lacked subject-matter jurisdiction, was built on an ex parte temporary-restraining order ("TRO") issued in defiance of Rule 65 and due-process requirements, and was perpetuated through bias, transcript manipulation, and the continued enforcement of an expired order.

1. Jurisdictional Defects and SEC Admissions

From the outset Petitioner challenged the Commission's authority and the district court's jurisdiction, explaining that the complaint failed to state a cognizable claim for relief. In ECF 142 the SEC effectively conceded as much—acknowledging that its original theory was untenable and revising it wholesale—yet the court never ruled on Petitioner's jurisdictional arguments. The case therefore proceeded without a lawful basis to exercise Article III jurisdiction.

2. Ex Parte TRO Granted Without Findings of Irreparable (or "Irrevocable") Harm

On November 4, 2021, the Commission filed a 900-page ex parte TRO application (ECF 4) that omitted any allegation or finding of immediate and irreparable injury, the indispensable prerequisite to injunctive relief under Fed. R. Civ. P. 65(b) and this Court's precedent. See *Granny Goose Foods v. Brotherhood of Teamsters*, 415 U.S. 423 (1974) (TROs may issue only for the time "absolutely necessary to preserve the status quo"); *Winter v. Natural Resources Defense Council*,

555 U.S. 7 (2008) (a preliminary injunction requires a “clear showing” of likely irreparable harm). Within twenty-four hours Judge Chad F. Kenney signed the order verbatim as proposed by the SEC—without hearing, record evidence, or even the word irreparable appearing anywhere in the submission. By granting sweeping injunctive relief without the showing of “irreparable harm” that Winter and Rule 65 demand, the court issued an order void ab initio that deprived Petitioner of property and counsel without due process of law.

3. Simultaneous Hearings and Fabricated Service

At the time the TRO issued Petitioner was detained at FDC Miami following his November 3, 2021 arrest. He received no notice of the summons or of the Philadelphia hearing scheduled for November 9, 2021. The SEC nevertheless filed a falsified USM-285 form stating that Petitioner had been personally served in the U.S. Marshals’ cellblock on November 8, 2021 at 10:50 a.m. That entry was false. Petitioner was never in the cellblock on November 8; he was there the next morning, November 9, for his 8:30 a.m. criminal-bail hearing. Only after that hearing concluded, while he was waiting in the U.S. Marshals’ cellblock to be returned to FDC Miami, was he served with the SEC notice at 10:50 a.m.—well after the TRO hearing in Philadelphia had already taken place. The Philadelphia TRO hearing (9:00 a.m. EST) and the Miami bail hearing (8:30 a.m. EST) were held simultaneously. Judge Chad F. Kenney presided over the Philadelphia hearing and was the Judge responsible for the related criminal case pending before him in Pennsylvania, creating an inherent conflict of oversight and responsibility between the two proceedings. This orchestration deprived Petitioner of the fundamental right to be heard before deprivation of property guaranteed by the Fifth Amendment.

4. Unlawful Extension and Continuing Enforcement

Judge Kenney’s November 10, 2021 order not only extended the TRO without any notice, hearing, or due process for the Petitioner, but also set an illegal term of duration far beyond that permitted by law. The order purported to extend the ex parte TRO through December 14, 2021—quadruple the fourteen-day maximum allowed under Rule 65(b)(2) and without any of the findings required to justify a preliminary injunction. As a matter of law, the TRO therefore expired at 11:59 p.m. on November 24, 2021, yet the district court and the SEC have continued to enforce it for nearly four years. The freeze unlawfully deprived Petitioner of the resources necessary to retain counsel of choice and mount a defense in his criminal proceedings, causing irreparable and continuing constitutional injury in violation of *Luis v. United States*, 578 U.S. 5 (2016).

5. Judicial Bias and Transcript Alteration

During the November 9, 2021, hearing Judge Kenney declared, “I consider this a crime against the courts.” The statement evidences clear bias, yet it was deleted from the official transcript (ECF 46) and replaced with “inaudible.” When Petitioner later referenced the comment at his June 6, 2023 sentencing, the same language was again removed from the transcript, rendering the passage nonsensical. The alteration of two official transcripts to omit the Judge’s own words underscores the depth of bias and lack of integrity in the proceedings.

6. Summary-Judgment Phase and Continuing Deprivations

Petitioner moved for summary judgment in December 2022 (ECF 183) detailing the jurisdictional and due-process violations. The court never ruled. Instead, on June 6, 2023, at Petitioner’s criminal-fraud sentencing, Judge Kenney denied the Government’s request for a securities-fraud enhancement, stating that it was “a matter better litigated in the SEC case.” The next day, June 7, 2023, the SEC filed its own 900-page summary-judgment motion—never served on Petitioner while he remained detained. The court ignored the lack of service and granted the motion in ECF 319, issuing a diatribe that cited no authority and satisfied none of the elements of collateral estoppel. Petitioner’s unanswered motion remained pending, and the judgment rests on a void and procedurally defective foundation. These errors form the central issue on appeal in Third Circuit No. 24-1381.

7. Ongoing Constitutional Injury

All of these facts—the lack of jurisdiction, absence of notice, forged service, expired TRO, and transcript manipulation—are documented in the docket and undisputed by the Government or the SEC. Despite repeated motions and requests for hearings, the court continues to enforce the unlawful freeze, depriving Petitioner of property, counsel, and due process. The SEC case thus stands as both the instrument and the symbol of the wider constitutional breakdown now before this Court.

C. Tax Criminal Case – D.N.J. No. 22-cr-639

The final strand of the Government’s coordinated prosecutions was the tax-evasion case filed in the District of New Jersey on September 22, 2022. Like the preceding matters, it arose from the same alleged conduct and was prosecuted by the same team of attorneys who had already obtained the unconstitutional asset freeze and defective indictment in the Eastern District of Pennsylvania.

The tax case was not an independent proceeding; it was the continuation of the same scheme to secure convictions through procedural manipulation, deprivation of counsel, and suppression of exculpatory material.

1. Indictment Predicated on an Unproven “Fraud” Theory

The September 22, 2022 indictment was returned weeks before the criminal-fraud trial in the Eastern District of Pennsylvania even began, and it relied entirely on those still-pending allegations as its factual predicate. The grand-jury transcript itself shows that prosecutors repeatedly described the unproven “fraud” allegations from the Pennsylvania case as established fact, using the term fraud throughout their presentation despite no conviction and no adjudicated loss. By alleging that income from those unresolved proceedings constituted taxable proceeds, the Government premised the tax charges on conduct that had not yet been adjudicated and that, as a matter of law, arose from a defective and unconstitutional prosecution. This circular reasoning violated the presumption of innocence and effectively treated untested allegations as established fact. (See ECF 1.) The indictment was therefore jurisdictionally and constitutionally defective from its inception.

2. Violation of Rule 5(f) and the Due Process Protections Act

The record conclusively establishes that the district court violated Rule 5(f) and the Due Process Protections Act of 2020. The docket itself contains no entry, minute order, or transcript reference showing that the judge ever issued the mandatory certification required at arraignment. That omission was not inadvertent; it reflects a complete disregard of Congress’s command that every federal court remind prosecutors of their disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). By failing to issue the order or to police compliance, the court deprived Petitioner of the procedural safeguard specifically enacted to prevent prosecutorial suppression of exculpatory evidence. This was the second federal court to commit the same violation: Judge Chad F. Kenney in the Pennsylvania fraud case likewise ignored Rule 5(f) and never issued the certification. The repetition of this omission across multiple related prosecutions demonstrates a systemic disregard for due-process protections, not an isolated oversight.

3. Suppression and Destruction of Exculpatory Evidence and Improper Ex Parte Communications

The prosecution engaged in egregious and intentional Brady violations, withholding—and in several instances deleting—exculpatory evidence that proved Petitioner’s innocence. Among the suppressed materials were the 1042-S forms, settlement letters, and detailed business-expense records that demonstrated the alleged income at issue was not taxable. These business records,

requested in every pre-trial motion and hearing, documented more than \$19 million in qualified business expenses that would have eliminated any alleged tax liability—an essential element of the offense. The Government not only refused to produce these materials but deleted every corresponding business account from the discovery index used in the tax trial, even though those accounts had appeared in the index for the earlier Pennsylvania fraud case. In ECF 35, the district court expressly ordered production of the 1042-S forms, settlement letters, and business-expense documentation, yet the Government ignored the order and continued to conceal or destroy the evidence. The same prosecutorial team that managed the Pennsylvania cases controlled the evidence here, ensuring that the suppression carried over intact.

Petitioner resided in New Jersey, and venue for the tax case was therefore proper. The Government nevertheless sought to have him waive that venue and consolidate the tax charges into the Pennsylvania fraud case, an effort he refused. Having insisted on his right to a trial in New Jersey, Petitioner faced the same prosecutors who had already engaged in wholesale suppression of evidence. The docket further reflects sealed filings and ex parte orders between ECF 55 and ECF 60, none of which were served on the defense. In addition, multiple ex parte communications occurred between the presiding Judges in the Pennsylvania and New Jersey criminal cases, further blurring the line between the proceedings and compromising the independence of both courts. These deliberate acts of concealment and coordination constitute structural violations of due process and demonstrate an intentional effort to obstruct justice.

4. Trial and Verdict

Trial commenced on October 30, 2023 before Judge Peter G. Sheridan in Trenton, New Jersey, and continued for approximately two weeks. On November 15, 2023 the jury returned guilty verdicts on five counts of tax evasion. The record shows repeated objections to missing discovery, undisclosed exhibits, and prosecutorial statements that contradicted earlier filings in the Pennsylvania cases. The court overruled each objection without explanation and provided no findings of fact or law concerning the Rule 5(f) violation or withheld materials. Sentencing was later set for April 3, 2024 but ultimately continued several times.

5. Constructive Amendments, Variances, and Evidentiary Violations

The trial departed so drastically from the indictment that it violated the Fifth and Sixth Amendments' guarantees that a defendant be tried only on charges returned by the grand jury. The September 22, 2022 indictment alleged willful tax evasion under 26 U.S.C. § 7201, asserting that Petitioner concealed "fraud-proceeds income" derived from the Pennsylvania cases. Yet at trial the Government abandoned that theory, reframing the case as a general "failure-to-report income"

prosecution. This shift expanded the charges to new tax years, new accounts, and new categories of alleged income never presented to the grand jury or disclosed in discovery. The jury instructions then permitted conviction on this broadened theory—an unmistakable constructive amendment under *Stirone v. United States*, 361 U.S. 212 (1960); *Russell v. United States*, 369 U.S. 749 (1962); and *Cole v. Arkansas*, 333 U.S. 196 (1948).

The variance between the indictment and the proof was compounded by evidentiary errors. The Government’s case rested on spreadsheets and compilations created by someone other than IRS Agent Mazur. Mazur admitted he did not create those spreadsheets and merely took over from the individual who had prepared them; he reviewed them but could not sponsor them as his own work. No qualified Rule 1006 summary witness or custodian established a proper foundation. The Government relied on hearsay compilations without authenticating the underlying records or producing them to the defense, while simultaneously withholding exculpatory business-expense and 1042-S/settlement documentation in violation of *Brady v. Maryland*, 373 U.S. 83 (1963). The court overruled defense objections and delivered instructions that effectively omitted the required “tax due and owing” element, allowing conviction on uncharged and unproven theories.

These cumulative departures transformed the case presented to the jury into an entirely different offense from that charged by the grand jury. As detailed in Petitioner’s post-trial motions (ECF 155 and ECF 164), the prosecution’s proof and the court’s instructions “so modified essential elements of the offense charged that there is a substantial likelihood the defendant may have been convicted of an offense other than that charged.” *United States v. Miller*, 471 U.S. 130, 138 (1985). The issue is now fully briefed and pending before the United States Court of Appeals for the Third Circuit in Case No. 24-1983, where Petitioner has shown that the constructive amendment and Brady violations render the conviction constitutionally void.

6. Post-Trial Motions and Continuing Defects

Petitioner filed motions for judgment of acquittal and for a new trial under Rules 29 and 33 on December 4, 2023 (ECF 123), supported by sworn exhibits demonstrating discovery suppression and evidentiary inconsistency. Those motions remain unaddressed on the merits. A further motion for reconsideration was filed May 2024 (ECF 155), again citing Brady violations and the absence of Rule 5(f) compliance. The court denied relief without analysis, perpetuating the same due-process failure that infected every prior proceeding.

The circumstances surrounding the ruling amplify the constitutional defect. Judge Peter G. Sheridan, who presided over the tax trial, had reportedly been suffering from Parkinson's disease and announced his retirement shortly after sentencing. The sentencing hearing—ultimately held on May 13, 2024 after no fewer than five continuances—revealed that the court had not meaningfully reviewed the post-trial filings. Nearly an hour into the hearing, Judge Sheridan orally denied all pending motions without findings or discussion, plainly without having read the pleadings, and immediately proceeded to impose sentence. The docket contains no written opinion or explanation. His impaired capacity and imminent retirement, coupled with his perfunctory oral denial of complex constitutional motions, deprived Petitioner of meaningful judicial review and violated the fundamental requirement of a neutral and competent adjudicator under the Due Process Clause. The record thus reflects not a considered judgment, but a procedural formality executed by a Judge who had neither examined nor resolved the issues presented.

7. Constitutional Consequence

The tax prosecution replicated and compounded the structural violations already present in the Pennsylvania matters: a defective indictment, absence of due-process certification, suppression and destruction of exculpatory material, constructive amendment of the charges, and judicial indifference to constitutional safeguards. It stands as the culmination of a multi-district pattern of coordinated misconduct that converted the protections of the Due Process Protections Act into an empty formality and produced yet another judgment void of lawful foundation.

Section III – Third Circuit Misconduct and Institutional Complicity

The pattern of constitutional violations and prosecutorial misconduct described in Section II did not end in the district courts. It metastasized within the United States Court of Appeals for the Third Circuit itself, where systemic inaction, undisclosed conflicts of interest, and docket irregularities have converted that tribunal from a reviewing body into an instrument of concealment. The record of four consolidated appellate matters—23-2110, 24-1381, 24-1983, and 25-1188—demonstrates an extraordinary breakdown of judicial process requiring this Court's supervisory intervention.

A. Refusal to Exercise Jurisdiction

For more than eighteen months, the Third Circuit has refused to rule on any of Petitioner's jurisdictional or constitutional motions.

23-2110 (Criminal Appeal – 21-cr-427). The panel affirmed conviction without addressing the controlling authorities — *Sprint v. APCC Services, Inc.*, 554 U.S. 269 (2008), and the Pennsylvania Assignment of Claims Act, 69 P.S. §§ 521–523 — which together eliminate every element of the alleged “fraud.” These precedents were raised repeatedly below and on appeal, yet the Court issued a conclusory affirmance devoid of legal analysis.

24-1381 (SEC Appeal – 21-cv-4845). The Court granted the government repeated extensions (ECF 25, 30, 32, 33) but never ruled on Petitioner's dispositive jurisdictional and constitutional motions (ECF 142 and 183, originating in the underlying district-court record). Those filings, which challenge subject-matter jurisdiction and document continuing Due Process Protections Act and Brady violations, have remained unanswered for more than a year.

24-1983 (Tax Appeal – 22-cr-639). The appeal is fully briefed and ripe for decision, yet the docket reflects deliberate interference with Petitioner's right to reply. After prior counsel Jack McMahon withdrew, Petitioner filed a timely pro se reply on August 25 — the very due date — setting out dispositive Brady violations and proof that no offense existed. Only after receiving the filing did the Court issue a notice declaring that Petitioner was “not permitted” to file, thereby manufacturing a default and suppressing a record already establishing innocence. This conduct exemplifies the pattern documented in ECF #87, where the Third Circuit's administrative actions shielded its own prior rulings instead of enforcing constitutional guarantees.

25-1188 (Unopposed Mandamus). Filed February 2025, this emergency petition sought immediate relief from the Circuit's continuing refusal to rule in the related appeals and from Petitioner's unlawful confinement. The government entered an appearance but never filed any response, and all deadlines expired months ago. Despite the Clerk's letters acknowledging receipt of the petition and of the supporting filings (ECF 7–9, 15–16), the docket shows no assignment of a merits panel, no order requesting a response, and no disposition. The petition's allegations — including ongoing Brady and Rule 5(f) violations and the Circuit's internal conflicts of interest — stand entirely unopposed. The Court's failure to act has converted silence into endorsement, allowing an unopposed constitutional record to languish while the underlying injustice continues.

This unbroken inaction demonstrates a deliberate refusal to exercise jurisdiction and to correct errors that the Circuit itself has helped perpetuate.

Such prolonged inaction is not discretion — it is abdication. *Will v. United States*, 389 U.S. 90 (1967), holds that mandamus properly issues “to compel [a] court to exercise its authority when it is its duty to do so.” The Third Circuit’s persistent failure to adjudicate undisputed constitutional issues constitutes an ongoing denial of due process and an institutional breakdown demanding this Court’s intervention.

B. Conflicts of Interest and Institutional Bias

The record reveals not mere oversight but a sustained pattern of concealment of judicial conflicts. In the underlying proceedings, Judge Chad F. Kenney presided over both the criminal and civil actions despite his wife’s active practice in the same securities-class-action field implicated by the indictment and SEC enforcement case. Her firm’s work overlapped with several matters in which Petitioner’s companies and co-defendants were directly referenced. This conflict was never disclosed as required by 28 U.S.C. § 455, and when it was raised, it was never denied—no order, memorandum, or certification appears in the record. The bias was unmistakable: Judge Kenney’s rulings repeatedly adopted the government’s proposed language verbatim while ignoring controlling precedent such as *Sprint v. APCC Services, Inc.*, 554 U.S. 269 (2008).

Petitioner formally filed a judicial-misconduct complaint against Judge Kenney documenting this bias and detailing misconduct by both John Donnelly, lead SEC prosecutor, and the judge himself. That complaint was transmitted to the Executive Office of the Third Circuit, where Jeanne Donnelly—John Donnelly’s spouse—was then employed. The result was a summary denial devoid of findings or explanation; none of the allegations were addressed. Thus, the very office responsible for reviewing the misconduct was staffed by the spouse of one of the subjects of the complaint—a textbook violation of due-process neutrality.

Rather than correct that conflict, the Third Circuit compounded it. When Petitioner moved to transfer the appeals to the Second Circuit—where no such internal entanglements existed—the request was ignored. When he sought permission to transmit the record directly to the Supreme Court for supervisory review, the Circuit silently denied the request without explanation. Instead of acting as a neutral appellate body, it functioned as an institutional shield.

The bias continues today. After the exposure of these facts, Petitioner filed a second judicial-misconduct complaint, this time directed at the Third Circuit itself for systemic non-adjudication, concealment, and internal conflicts. That complaint has never been docketed, acknowledged, or assigned for review. The refusal even to record the complaint confirms that oversight mechanisms within the Circuit have collapsed.

As *Offutt v. United States*, 348 U.S. 11 (1954), explains, a judiciary “tainted by personal embroilment” cannot lawfully adjudicate. Here the inverse has occurred: the tribunal charged with reviewing bias has become the custodian of it. By failing to disclose or recuse, by routing misconduct complaints through conflicted personnel, and by refusing to transfer or docket matters that expose its own wrongdoing, the Third Circuit has demonstrated institutional bias and self-protection inconsistent with Article III’s guarantee of a neutral tribunal.

C. Docket Manipulation and Concealment

As documented in ECF 87 of Case No. 23-2110 and corroborated by the appellate docket in 24-1381, the Third Circuit’s administrative actions show not mere neglect, but a pattern of concealment designed to obstruct review and preserve internal conflicts from exposure. The appellate dockets reveal selective adjudication and irregular record-keeping that, taken together, have operated to suppress timely adjudication of Petitioner’s rights. In some instances, the Court issued same-day denials of motions adverse to its own interests, while allowing dispositive filings—those that would have required acknowledgment of jurisdictional defects, conflicts of interest, or expired orders—to languish without decision. This deliberate asymmetry is the functional equivalent of falsification: a manipulation of the docket itself to conceal constitutional error.

1. Selective Rulings and Administrative Irregularities

The pattern is most clearly illustrated in Case No. 24-1381 (SEC Appeal), where the following filings establish a consistent practice of ruling on matters unfavorable to Petitioner while leaving jurisdictional and constitutional motions unresolved:

Ruled-On Entries Date Disposition

ECF 311 & 312 – Motion for Recusal and Supplement May 2023 Denied by Judge Kenney himself (ECF 315, June 5, 2023), contrary to 28 U.S.C. § 144 requiring assignment to another judge.

ECF 319 – SEC Summary-Judgment Order June 2023 Granted without findings or law, ignoring pending jurisdictional motions and contradicting Rule 56 standards.

ECF 68 (Third Circuit) – Emergency Motion to Vacate Freeze Apr 2025 Denied (Aug 20, 2025 Order, Panel DCO-142), with no reasoning or citation to authority.

Unruled / Ignored Entries Date Status

ECF 327 – Response to SEC Status Report / Request for Hearing Dec 2023 No action taken.

ECF 337 – Supplemental Motion to Dissolve Asset Freeze Jan 2024 No ruling.

ECF 345 – Motion for Judicial Notice and Clarification Feb 2024 Never ruled on.

ECF 353 – Motion to Dismiss (12(b)(6)) Mar 2024 No order entered.

ECF 362 – Reply to SEC Opposition Mar 2024 Ignored.

ECF 363 – Motion to Dissolve Freeze (Rule 65(b)(4)) Mar 2024 Unruled to date.

This selective disposition creates a one-sided record: motions favoring institutional defendants are granted or promptly denied in their favor, while those demonstrating constitutional violations remain indefinitely pending. Such asymmetry cannot be attributed to administrative backlog; it is a deliberate pattern of denial by silence.

2. Effect and Purpose of Docket Suppression

The manipulation serves two intertwined purposes. First, by refusing to issue reasoned decisions on dispositive motions, the Court insulates its rulings from Supreme Court review; without a written order, there is nothing to appeal. Second, by leaving jurisdictional and conflict-based motions unresolved, the Circuit preserves the appearance of regularity while concealing misconduct involving its own personnel—specifically, the conflict of interest between SEC prosecutor John Donnelly and his spouse, Jeanne Donnelly, an attorney within the Third Circuit Office of the Executive. This internal conflict renders the Circuit incapable of impartial review and explains its continuing refusal to adjudicate filings that would expose the connection.

Administrative entries themselves display irregularities: delayed docketing (e.g., five-day gap for ECF 87 in 23-2110), out-of-sequence filings, and retroactive editing of docket text. Each irregularity occurred in proximity to motions alleging judicial misconduct, reinforcing the appearance of intentional suppression.

3. Constitutional Consequence

By manipulating the docket to conceal rulings and delay adjudication, the Court has effectively nullified Petitioner’s rights under the Fifth and Fourteenth Amendments to due process of law and under the First Amendment to petition the government for redress. The Supreme Court has long condemned “the pretense of procedure while disregarding those fundamental conceptions of justice which lie at the base of our civil and political institutions.” *Mooney v. Holohan*, 294 U.S. 103 (1935). Here, the pretense takes the form of a public docket that masks inaction behind clerical formality. Such conduct constitutes a structural due-process violation requiring corrective supervision by this Court.

D. Institutional Misconduct and Suppression of Appellate Review

The Third Circuit’s misconduct extends beyond selective rulings to encompass a coordinated effort to suppress appellate review itself. The record in *United States v. Cammarata*, No. 23-2110 — specifically ECF 87 — memorializes these systemic irregularities: delayed docketing of filings critical of the Court, unexplained denials without opinion, and administrative practices that have effectively neutralized appellate oversight. The cumulative effect is to conceal internal conflicts, insulate the Circuit from accountability, and deprive Petitioner of meaningful review.

1. Delayed and Irregular Docketing

ECF 87, filed October 5, 2025 but not entered until October 10, 2025, documents an unexplained five-day delay in docketing — a clear deviation from CM/ECF’s same-day posting standard. The delay occurred immediately after Petitioner submitted filings alleging misconduct within the Circuit, including undisclosed conflicts of interest involving court personnel. This aberrant delay, unique to filings that exposed the Circuit’s internal conflicts, suggests targeted administrative suppression rather than clerical backlog.

2. Unreasoned Orders and One-Word Denials

The docket further reflects the Circuit’s reliance on summary, unreasoned dispositions to suppress appellate accountability. Petitioner’s Motion for Clarification and Judicial Notice (ECF 69) — raising the Court’s omission of controlling law under *Sprint v. APCC Services*, 554 U.S. 269 (2008), and Pennsylvania’s Assignment of Claims Act — was never ruled upon. Subsequent filings (ECF 83 and 86) were denied with a single word: “Denied.” No citations or rationale accompanied those entries. Such “one-word” orders violate the judiciary’s duty to articulate reasons sufficient for review and illustrate a deliberate pattern of concealing adjudication behind summary denials.

3. Continuing Record Inconsistencies

The irregular timing and inconsistent treatment of filings identified in ECF 87 demonstrate a broader breakdown in the integrity of docket administration. Motions raising constitutional or conflict-based issues remain pending for months or years, while routine or adverse rulings are entered immediately. This disparity — confirmed by comparison of docket intervals in 23-2110 and 24-1381 — shows a consistent administrative bias that favors silence when the Court itself is implicated. The irregular sequencing thus functions as another means of concealing the Court’s inaction, not as random clerical error.

4. Institutional Conflicts and Self-Protection

These irregularities align with the documented conflict of interest between SEC prosecutor John Donnelly and his spouse Jeanne Donnelly, an attorney within the Third Circuit’s Office of the Executive. That office participates in docket administration and internal review processes. The

overlap between a litigant's spouse and the Circuit's internal management creates the appearance — and risk — of institutional self-protection: filings challenging Donnelly's conduct are the very submissions that have encountered delay or non-adjudication. This structural conflict violates 28 U.S.C. § 455 and the standards of impartiality articulated in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

5. Systemic Effect and Constitutional Injury

The cumulative pattern — delayed docketing, one-word denials, and chronic non-rulings — constitutes institutional misconduct under *Offutt v. United States*, 348 U.S. 11 (1954), where the Supreme Court condemned judicial self-interest as “a perversion of the judicial process.” By transforming administrative procedure into a shield against accountability, the Third Circuit has deprived Petitioner of the rights to due process, access to courts, and meaningful appellate review. The misconduct documented in ECF 87 is therefore not clerical anomaly, but a continuation of the systemic bias identified throughout this Section III. Only this Court's intervention can restore transparency and integrity to the appellate process.

E. The Continuing Cover-Up and the Necessity of Mandamus Relief

From the inception of these proceedings in October 2021—when the Government secured a defective indictment and an unlawful *ex parte* restraining order—the same pattern of misconduct has persisted through every level of adjudication. Each tribunal within the Third Circuit has not corrected, but protected, the violations that began in the district courts. The record across *United States v. Cammarata* (21-cr-427 / 23-2110), *SEC v. Cammarata* (21-cv-4845 / 24-1381), and *United States v. Cammarata* (22-cr-639 / 24-1983), together with the unopposed petition in *In re Cammarata* (25-1188), reveals a continuous sequence of due-process denials, conflict concealments, and refusals to rule. The Third Circuit has thereby transformed itself from a court of review into a participant in the misconduct it was duty-bound to redress.

1. A Self-Protective Apparatus

The appellate record demonstrates that the Circuit has repeatedly acted to shield its own personnel and subordinate judges. Motions exposing conflicts—such as the relationship between SEC prosecutor John Donnelly and his spouse, Jeanne Donnelly of the Circuit's Executive Office—have been ignored. Recusal requests under 28 U.S.C. §§ 144 and 455 were denied by the

very judges challenged. Most tellingly, the Circuit has refused even to acknowledge controlling law that eliminates any basis for jurisdiction or criminal liability. Despite being squarely presented, *Sprint v. APCC Services*, 554 U.S. 269 (2008), and Pennsylvania’s Assignment of Claims Act of 1939 (69 P.S. §§ 521–523) were never cited, distinguished, or mentioned in any opinion or order. This was not an error of interpretation but a conscious omission: acknowledging those authorities would compel the admission that the alleged conduct was not a crime and that the district court lacked subject-matter jurisdiction from the outset. By intentionally ignoring binding precedent that proves Petitioner’s innocence, the Circuit has abandoned its constitutional duty to apply the law.

2. The Constitutional Mandate for Action

The All Writs Act, 28 U.S.C. § 1651(a), empowers this Court to issue all writs “necessary or appropriate in aid of their respective jurisdictions.” That authority is not discretionary when a lower court’s inaction has produced a “usurpation of judicial power.” *Roche v. Evaporated Milk Ass’n*, 319 U.S. 21, 26 (1943). Mandamus lies precisely where, as here, a circuit court has refused to exercise its jurisdiction or has used procedural devices to defeat the administration of justice. See *Ex parte Perkins*, 18 U.S. (5 Wheat.) 343 (1820); *La Buy v. Howes Leather Co.*, 352 U.S. 249, 259 (1957) (mandamus warranted when supervisory control is necessary “to confine courts to the proper sphere of judicial action”).

When appellate judges become participants in or protectors of the misconduct complained of, recusal or transfer alone cannot cure the injury; only this Court’s direct intervention can restore lawful process. The Constitution requires not just the form but the substance of justice. *Offutt v. United States*, 348 U.S. 11, 14 (1954) (proceedings are “void for want of that impartiality which is the very essence of due process”). Continued silence in the face of unrefuted constitutional violations constitutes dereliction of judicial duty.

3. An Absolute Right to Mandamus Review

Petitioner’s right to seek a writ of mandamus is not a matter of grace but of constitutional necessity. The First Amendment guarantees the right “to petition the Government for a redress of grievances,” and the All Writs Act provides the procedural vehicle through which that right is effectuated when ordinary appellate channels have collapsed. *Price v. Johnston*, 334 U.S. 266, 282 (1948) (“Mandamus is an appropriate remedy to preserve the integrity of the judicial process.”). Once the petition was filed in Case No. 25-1188—supported by sworn evidence and unanswered by

the Government—the Third Circuit had an absolute duty to act. Its eight-month silence constitutes a constructive denial of jurisdiction that only this Court can remedy.

4. Urgency of Supreme Court Intervention

Every day that passes extends the constitutional injury. Petitioner remains unlawfully confined, deprived of liberty and property while void orders and conflicts persist. Under *Mooney v. Holohan*, 294 U.S. 103 (1935), and *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991), this Court has both the power and the duty to intervene “to maintain the essential justice of the judicial process itself.” The circumstances here meet every criterion for extraordinary relief: (1) a clear and indisputable right to issuance of the writ; (2) a lower tribunal’s refusal to act within its jurisdiction; and (3) the absence of any other adequate remedy. *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380 (2004).

5. Conclusion

What began as prosecutorial misconduct in 2021 has evolved into a systemic failure of adjudication reaching the appellate level itself. The Third Circuit’s intentional disregard of controlling law, refusal to rule on unopposed petitions, and protection of its own personnel have extinguished every ordinary remedy. The integrity of Article III now depends upon this Court’s exercise of its supervisory power. Petitioner therefore demands issuance of the writ of mandamus compelling the United States Court of Appeals for the Third Circuit to act forthwith on all pending motions and to correct the constitutional violations it has perpetuated through silence. Anything less would transform inaction into complicity and convert the judicial oath into a mere formality.

IV. Grounds for Relief

This Petition satisfies every element for issuance of a writ of mandamus under 28 U.S.C. § 1651(a). Each criterion recognized by this Court—(1) a clear and indisputable right to relief, (2) the absence of any other adequate remedy, and (3) a lower tribunal’s duty to act coupled with its refusal to do so—has been conclusively established in the record. The record evidence not only repeated constitutional violations, but also undeniable bias, conflicts of interest, open disregard of controlling

law, and systemic judicial misconduct that together have nullified the appellate process within the Third Circuit.

A. Clear and Indisputable Right to Relief

Mandamus is appropriate when the petitioner demonstrates a “clear and indisputable right” to the relief sought. *Cheney v. U.S. District Court*, 542 U.S. 367, 381 (2004). Here, the record shows not speculative error but structural collapse: convictions and judgments obtained through suppression of exculpatory evidence, enforcement of an expired ex parte order, and an appellate court’s intentional refusal even to acknowledge controlling precedent that would conclusively establish Petitioner’s innocence.

The governing authorities—*Sprint v. APCC Services*, 554 U.S. 269 (2008), and Pennsylvania’s Assignment of Claims Act of 1939, 69 P.S. §§ 521–523—were presented at every stage of the proceedings, including at trial, in post-trial motions, and on appeal. Despite being squarely before the courts, these binding authorities have been entirely ignored, never cited, distinguished, or discussed. Their application would eliminate any basis for jurisdiction or criminal liability: under *Sprint* and Pennsylvania assignment law, the transactions alleged could not, as a matter of law, constitute fraud or any offense cognizable in federal court.

The Third Circuit’s conscious omission of those authorities—while simultaneously enforcing judgments that depend on their rejection—constitutes not mere error but bias and misconduct designed to preserve unlawful outcomes and protect conflicted colleagues. Such refusal to apply controlling law, presented repeatedly and unequivocally in the record, is a “usurpation of judicial power” warranting immediate correction. *Roche v. Evaporated Milk Ass’n*, 319 U.S. 21, 26 (1943).

B. Lack of Any Other Adequate Remedy

Ordinary appellate mechanisms have been exhausted and rendered futile by the Circuit's own inaction. Every appeal or motion has been either summarily denied without reasoning or ignored entirely. The unopposed Emergency Petition for Mandamus (No. 25-1188) has remained pending for more than eight months with no order, assignment, or explanation. Because the same conflicts and personnel implicated in the misconduct pervade the Circuit, no internal remedy exists. See *Ex parte Perkins*, 18 U.S. (5 Wheat.) 343 (1820). Only this Court's direct supervision can restore due process and the rule of law.

C. Duty of the Court to Act

Once jurisdiction is conferred, a court's duty to exercise it is "virtually unflagging." *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976). By refusing to rule on dispositive motions and by allowing an unopposed petition to sit dormant, the Third Circuit has abdicated that duty. When a court's failure to act stems from bias or self-protection, mandamus is the only instrument capable of confining it to its lawful function. See *La Buy v. Howes Leather Co.*, 352 U.S. 249, 259 (1957).

D. Continuing Irreparable Harm

Petitioner remains unlawfully imprisoned and deprived of property under void orders. Each day of continued detention and deprivation compounds the constitutional and institutional injury. Where bias and misconduct foreclose judicial remedies, the harm is per se irreparable. See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010). Delay itself has become the mechanism of injury; justice withheld has become injustice enforced.

E. Necessity of Supreme Court Supervision

This Court's supervisory authority exists to prevent precisely the collapse of judicial function evidenced here. When lower courts are compromised by conflicts or institutional bias, this Court must intervene "to maintain the essential justice of the judicial process itself." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991). The Third Circuit's intentional disregard of controlling law, unreasoned denials, and failure to adjudicate unopposed petitions have destroyed the presumption of impartiality. Absent intervention, the constitutional guarantees of due process and access to courts will remain suspended indefinitely. Issuance of the writ is therefore not discretionary—it is required to preserve both the integrity of Article III and public confidence in the judiciary.

V. Prayer for Relief

For all the reasons set forth above, Petitioner respectfully prays that this Honorable Court, pursuant to its authority under Article III of the United States Constitution and the All Writs Act, 28 U.S.C. § 1651(a), issue the following relief:

1. Issue a Writ of Mandamus directing the United States Court of Appeals for the Third Circuit to:

Adjudicate forthwith all pending motions and petitions in *United States v. Cammarata*, Nos. 23-2110, 24-1381, 24-1983, and 25-1188;

Apply the controlling law of *Sprint v. APCC Services*, 554 U.S. 269 (2008), and Pennsylvania's Assignment of Claims Act of 1939, 69 P.S. §§ 521–523, which establish that the alleged conduct is not a crime and that the district courts lacked subject-matter jurisdiction;

Vacate all orders, judgments, and restraints entered in violation of due process or without lawful jurisdiction; and

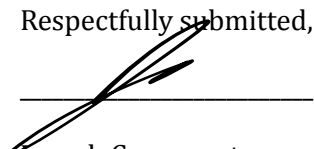
Enter such additional orders as are necessary to restore Petitioner's liberty, property, and constitutional rights.

2. Order Petitioner's Immediate Release from custody pending final determination of this case, on the ground that continued confinement under void proceedings constitutes irreparable injury and a manifest miscarriage of justice. See *Ex parte Perkins*, 18 U.S. (5 Wheat.) 343 (1820); *Mooney v. Holohan*, 294 U.S. 103 (1935).

3. Direct Independent Review—by a disinterested circuit or a Special Master appointed by this Court—of the administrative and judicial conduct within the Third Circuit that gave rise to this Petition, including potential conflicts of interest, docket manipulation, and the deliberate suppression of controlling law.

4. Grant Such Other and Further Relief as this Court deems just, equitable, and necessary to preserve the integrity of the judicial process and the fundamental guarantees of due process and impartial justice.

Respectfully submitted,



Joseph Cammarata

Reg. No. 02555-506

Federal Prison Camp Montgomery

1001 Willow Street

Montgomery, AL 36112

(Petitioner, pro se)

APPENDIX A – Third Circuit Violations and Record References

This Appendix compiles the constitutional violations, procedural irregularities, and conflicts of interest arising within the United States Court of Appeals for the Third Circuit and its related appellate proceedings. It identifies the principal docket entries, omissions, and rulings that establish the pattern of systemic bias and non-adjudication forming the basis of this Petition.

A complete enumeration of all ninety-three constitutional violations—encompassing the underlying district-court and appellate proceedings—is provided in Appendix B, incorporated herein by reference.

APPENDIX A – Documented Constitutional Violations and Record References

Each subsection corresponds to the district-court or appellate proceeding referenced in the Petition, identifying the precise ECF entries, dates, and governing constitutional principles violated. This presentation is organized as a factual record index for the Court’s independent verification.

Note on Scope:

This Appendix provides a concise record summary of the principal constitutional violations documented across the related federal proceedings referenced in the Petition. It highlights the critical docket entries, orders, and omissions that together establish a systemic breakdown of due process within the Third Circuit. A full enumeration of the ninety-three constitutional

violations—organized by case, date, and constitutional provision—is maintained in Appendix B (Comprehensive List of Violations), incorporated herein by reference for completeness.

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 35 (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.

IV(D). Case No. 25-1188 – Unopposed Mandamus

- Filed Feb 2025; government entered appearance but never filed a response. Clerk's letters (ECF 7–9, 15–16) acknowledge receipt yet no ruling issued for eight months. Violation: Denial of Access to Court and Failure to Exercise Jurisdiction.

V. Aggregate Constitutional Themes

1. Due Process and Notice – Simultaneous hearings, forged service, and ex parte orders violate *Mathews v. Eldridge*, 424 U.S. 319 (1976).
2. Judicial Conflict and Bias – Undisclosed relationships and altered transcripts violate *Offutt v. United States*, 348 U.S. 11 (1954).
3. Suppression and Rule 5(f) Non-Compliance – Dual violations in E.D. Pa. and D.N.J. cases violate *Mooney v. Holohan*, 294 U.S. 103 (1935).
4. Appellate Non-Action – Prolonged silence constitutes a refusal to adjudicate, contrary to *Ex parte Perkins*, 18 U.S. (5 Wheat.) 343 (1820), and *Price v. Johnston*, 334 U.S. 266 (1948).

APPENDIX B — Comprehensive Record of Constitutional Violations

Due to the extraordinary length of Appendix B (which contains the full ninety-three (93) documented constitutional violations, with supporting record citations and governing provisions), the complete text is maintained publicly and incorporated herein by reference.

The entire Appendix B may be reviewed online at:

<https://ExposeJustice.com/violations>

This online appendix forms part of the official record supporting this Petition and is incorporated by reference for all purposes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph Cammarata', is written over a horizontal line.

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

CERTIFICATE OF COMPLIANCE

I hereby certify that this Petition for Writ of Mandamus has been prepared in a proportionally spaced typeface using Times New Roman 12-point font, and that the body of the Petition, excluding the cover, table of contents, table of authorities, and appendices, contains fewer than 9,000 words in compliance with Rule 33.1(g) of the Rules of the Supreme Court of the United States.

As a pro se incarcerated petitioner filing under Rule 33.2, I respectfully request that the Court accept this submission in its present form and afford leniency where appropriate under Rule 39 governing filings in forma pauperis.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph Cammarata', is written over a horizontal line.

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

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October 2025, a copy of this Petition for Writ of Mandamus and all accompanying appendices was mailed, postage prepaid, to:

Solicitor General of the United States
Supreme Court Building, Room 5616
950 Pennsylvania Avenue NW
Washington, DC 20530

and to all other parties as required by Supreme Court Rule 29.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Cammarata', is written over a horizontal line.

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

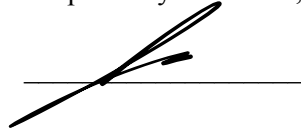
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MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Pursuant to Rule 39 of the Rules of this Court, Petitioner Joseph Cammarata, an incarcerated individual proceeding pro se, respectfully moves for leave to proceed in forma pauperis.

Petitioner is unable to pay the docketing fee or costs of printing and service. He is currently confined at the Federal Prison Camp in Montgomery, Alabama (Reg. No. 02555-506). This Petition is submitted in good faith and raises substantial questions of constitutional and institutional importance.

Respectfully submitted,



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