

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-2083

IN RE: PETER KOVALCHICK,

Petitioner

On a Petition for Writ of Mandamus from the
United States Bankruptcy Court for the Eastern District of Pennsylvania
(Related to Adversary No. 06-ap-50006)

Submitted Under Rule 21, Fed. R. App. Pro.
April 27, 2006

BEFORE: RENDELL, AMBRO and GREENBERG, Circuit Judges

(Filed: May 26, 2006)

OPINION

PER CURIAM

Peter Kovalchick seeks mandamus relief from this Court regarding a matter in the United States Bankruptcy Court for the Middle District of Pennsylvania. In particular, Kovalchick asks this Court to compel the Bankruptcy Judge to act on a motion to recuse himself. Kovalchick also asked this Court to stay a hearing scheduled for April 6, 2006, in the United States Bankruptcy Court for the Eastern District of Pennsylvania.

Under the All Writs Act, 28 U.S.C. § 1651, we may issue a writ of mandamus only when it is necessary or appropriate in aid of our jurisdiction. See Allied Chemical Co. v. Daiflon, Inc., 449 U.S. 33, 34 (1980). In this case, we decline to consider Kovalchick's requests for relief because he could have pursued in the District Court a direct challenge to matters in the Bankruptcy Court. See 28 U.S.C. §§ 158(a); 1651; see also In re Nwanze, 242 F.3d 521, 524 (3d Cir. 2001) (a writ of mandamus is not warranted where the petitioner has other adequate means of obtaining the desired relief).

However, even if we were to consider the mandamus petition and the request for a stay, we would deny them as moot. Although Kovalchick's recusal motion was pending at the time this mandamus petition was filed, the Bankruptcy Judge denied the motion the next day. With respect to Kovalchick's request that we stay a Bankruptcy Court hearing scheduled for April 6, 2006, we note that, prior to the hearing, the Bankruptcy Judge postponed indefinitely all hearings, and ordered the parties to appear before him on April 26, 2006. Finally, because Kovalchick's claims are moot, it would not be in the interest of justice to transfer this matter to the District Court. See 28 U.S.C. § 1631.

For the foregoing reasons, we will deny Kovalchick's mandamus petition and his request for a stay.