

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 06-1677

IN RE: ALTON D. BROWN,
Petitioner

On Petition for Writ of Mandamus from the
United States District Court for the Western District of Pennsylvania
(Related to W.D. Pa. Civ. No. 03-cv-00289)

Submitted Under Rule 21, Fed. R. App. Pro.
March 10, 2006
BEFORE: SCIRICA, Chief Judge, WEIS and GARTH, Circuit Judges

Filed: March 29, 2006

OPINION

PER CURIAM.

Alton Brown, proceeding pro se, has filed a petition for a writ of mandamus asking us to reverse several rulings of the District Court in his civil rights action, and to stay the District Court proceedings. For the reasons that follow, we will deny the petition.

Brown filed a civil rights complaint claiming, among other things, that the conditions of his confinement in the Long Term Segregation Unit at the State

Correctional Institution in Pittsburgh, Pennsylvania constituted cruel and unusual punishment, and that correctional officers retaliated against him for his legal actions. In March 2005, we vacated a District Court order dismissing Brown's third amended complaint for a failure to satisfy the pleading requirements of Federal Rule of Civil Procedure 8, finding his pro se complaint intelligible and organized by claim.

In his mandamus petition, Brown complains that, on remand, the District Court improperly denied his motion for appointment of counsel and motion to strike the defendants' answer to his complaint, refused to make explicit discovery rulings, and improperly granted summary judgment for some of the defendants.

Although Brown contends that he is seeking an order requiring the District Court to comply with our remand order, he is actually seeking review of the District Court's rulings. We will not issue a writ of mandamus if relief may be granted by way of an ordinary appeal. In re Ford Motor Co., 110 F.3d 954, 957 (3d Cir. 1997). Brown may seek relief by way of an ordinary appeal after the District Court enters a final order.

Accordingly, we will deny the petition for a writ of mandamus. Brown's motion to stay the District Court proceedings is denied.