

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-1010

IN RE: RAJ K. PATEL,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of Delaware
(Related to D. Del. No. 1:23-cv-00797)

Submitted Pursuant to Fed. R. App. P. 21
on January 18, 2024

Before: BIBAS, MATEY, and CHUNG, Circuit Judges

(Opinion filed: February 2, 2024)

OPINION*

PER CURIAM

Pro se petitioner Raj K. Patel seeks a writ of mandamus. Because Patel has not demonstrated that he is entitled to such relief, we will deny his petition.

In July 2023, Patel filed a complaint in the District Court bringing claims against Alphabet Inc. and Google LLC. On January 4, 2024, the District Court dismissed his case after screening it pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), without leave to amend.

That same day, Patel filed a mandamus petition in this Court, requesting that we order the Clerk of Court for the District of Delaware to enter a default judgment in his case. He repeatedly requested a default judgment from the District Court before his case was dismissed and claims that the Clerk of Court for the District of Delaware should have entered a default judgment without needing the District Court's approval. Patel also requests that we reverse and vacate the District Court's decision dismissing his case. Patel has since filed an appeal of the District Court's decision.

A writ of mandamus is a “drastic remedy” that may be granted “only in extraordinary circumstances in response to an act amounting to a judicial usurpation of power.” In re Diet Drugs Prods. Liab. Litig., 418 F.3d 372, 378 (3d Cir. 2005) (citation omitted). “Before a writ of mandamus may issue, a party must establish that (1) no other adequate

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

means [exist] to attain the relief he desires, (2) the party's right to issuance of the writ is clear and indisputable, and (3) the writ is appropriate under the circumstances." Hollingsworth v. Perry, 558 U.S. 183, 190 (2010) (per curiam) (alteration in original) (internal quotation marks and citation omitted). Because Patel may raise on appeal any issues with the District Court's adjudication of his requests for a default judgment or its dismissal of his case, mandamus relief is not appropriate 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."); Madden v. Myers, 102 F.3d 74, 77 (3d Cir. 1996) (explaining that mandamus is not a substitute for an appeal).

Accordingly, we will deny Patel's petition.¹

¹ In light of our disposition, Patel's pending motion is denied.