

ELD-003

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-1323

IN RE: AHMAD WILLIAMS,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Eastern District of Pennsylvania
(Related to Cr. No. 2-23-cr-00284-001)

Submitted on the Government's Motion for Summary Denial and
Pursuant to Rule 21, Fed. R. App. P.
March 27, 2024

Before: SHWARTZ, BIBAS, and CHUNpG, Circuit Judges

(Opinion filed March 28, 2024)

OPINION*

PER CURIAM

Ahmad Williams, a criminal defendant awaiting trial, petitions this Court for a writ of mandamus. Williams was indicted and charged with being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). He filed a counseled motion to dismiss the indictment, arguing that § 922(g)(1) is unconstitutional on its face and as applied to

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

him.¹ The District Court denied the motion. In his pro se mandamus petition, Williams seeks an order vacating the District Court’s order, and either directing the District Court to dismiss the indictment or providing it “guidance” as to how to reconsider the motion to dismiss the indictment. The Government seeks summary denial of the petition so that Williams’ trial may proceed forthwith. For the following reasons, we will grant the Government’s motion and deny the mandamus petition.

A writ of mandamus is a drastic remedy available only in extraordinary circumstances. See In re Diet Drugs Prods. Liab. Litig., 418 F.3d 372, 378 (3d Cir. 2005). Within the discretion of the issuing court, mandamus traditionally may be used “to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.” Id. (citations omitted). A petitioner seeking the writ “must have no other adequate means to obtain the desired relief, and must show that the right to issuance is clear and indisputable.” Madden v. Myers, 102 F.3d 74, 79 (3d Cir. 1996).

Extraordinary relief is not warranted here. Although Williams maintains that the District Court usurped its power in denying the motion to dismiss, he essentially argues that the District Court got the Bruen/Range analysis wrong. However, the appropriate time to make this argument is on appeal from a judgment of conviction and sentence.

¹ In support of his motion to dismiss the indictment, Williams relied on the Supreme Court’s decision in New York State Rifle & Pistol Association, Inc. v. Bruen, 142 S. Ct. 2111 (2022), and our recent en banc decision in Range v. Att’y Gen., 69 F.4th 96 (3d Cir. 2023), applying Bruen.

Mandamus may not be used as a substitute for the regular appeals process. See In re Nwanze, 242 F.3d 521, 524 (3d Cir. 2001).

Based on the foregoing, we perceive no basis for granting mandamus relief, and, therefore, we grant the Government's motion for summary denial, and will deny the petition for a writ of mandamus.