

DLD-060

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2922

IN RE: JAMES ROBERT TICE,
Petitioner

On a Petition for Writ of Mandamus from the United States District Court for the
Western District of Pennsylvania

Submitted Pursuant to Rule 21, Fed. R. App. P.
December 30, 2025

Before: RESTREPO, PORTER, and MONTGOMERY-REEVES, *Circuit Judges*

(Opinion filed: January 21, 2026)

OPINION*

PER CURIAM

Pro se Petitioner James Tice filed a petition for writ of mandamus related to events which he claims can be traced back to his arrest as a juvenile in 1991. He seeks an order that, among other things, directs the District Court to vacate all judgments; issue a writ of habeas corpus under § 2241 “to remove all restrictions”; declares all juvenile and adult proceedings void ab initio; recognizes his “sovereign, prophetic and ceremonial status”;

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

refers judicial misconduct and treasonous acts to the United States Department of Justice and the Judicial Council; orders reparations and restitution in excess of \$3 trillion; and ensures “diplomatic protection and enforcement of treaty obligations.” Tice has also filed a motion for the appointment of counsel and other relief.

Section 1651 confers jurisdiction on this Court to issue a writ of mandamus “in aid of” our jurisdiction. *See* 28 U.S.C. § 1651. “The writ of mandamus is an extreme remedy reserved for only the most extraordinary situations.” *In re Abbott Labs.*, 96 F.4th 371, 379 (3d Cir. 2024) (internal quotation marks and citation omitted). It is not a substitute for the appeal process. *See In re Kensington Int’l Ltd.*, 353 F.3d 211, 219 (3d Cir. 2003). We have the discretion to grant a writ only if the petitioner shows: “(1) a clear and indisputable abuse of discretion or error of law, (2) a lack of an alternate avenue for adequate relief, and (3) a likelihood of irreparable injury.” *In re Abbott Labs.*, 96 F.4th at 379 (internal quotation marks and citation omitted).

Tice does not meet the standard to grant his mandamus petition. First, there is no pending action over which a writ of mandamus might aid our jurisdiction. *See United States v. Christian*, 660 F.2d 892, 894 (3d Cir. 1981) (explaining that, “[b]efore entertaining” a petition for a writ of mandamus, “we must identify a jurisdiction that the issuance of the writ might assist”).¹ Second, Tice has not shown that he has no alternative

¹ The District Court denied Tice’s most recent federal habeas petition as second or successive in February 2025, and we denied a certificate of appealability in August 2025. Tice also filed two civil rights cases in the Western District of Pennsylvania. We affirmed the dismissal of the first; Tice’s appeal of the second remains pending.

avenue for the relief he seeks, let alone that he has an indisputable right to such relief.

Third, to the extent Tice asks us to direct action by state courts, we lack authority to grant such relief. *See In re Richards*, 213 F.3d 773, 781 (3d Cir. 2000) (explaining that federal courts of appeal ordinarily “lack appellate jurisdiction over their state counterparts, thus making writs of mandamus generally inappropriate”); *White v. Ward*, 145 F.3d 1139, 1140 (10th Cir. 1998) (per curiam) (explaining that a federal court “lack[s] jurisdiction to direct a state court to perform its duty”). Accordingly, we will deny the mandamus petition. Further, Tice’s pending motion is denied.