

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-2348

IN RE: JERMAINE LEWIS,
Petitioner

On a Petition for Writ of Mandamus to the
United States District Court for the Western District of Pennsylvania
(Related to W.D. Pa. Civ. No. 24-cv-00321)

Submitted Pursuant to Rule 21, Fed. R. App. P.
August 6, 2026
Before: SHWARTZ, FREEMAN, and CHUNG, *Circuit Judges*

(Opinion filed August 21, 2026)

OPINION*

PER CURIAM

Jermaine Lewis petitions for a writ of mandamus directing the Magistrate Judge presiding over his District Court case to recuse himself and requiring the District Court Clerk to reassign the case. He also seeks to stay the District Court proceedings and

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

expedite our consideration of his mandamus petition. For the reasons below, we will deny the petition and motions.

In the District Court, Lewis filed suit against the Erie County Jail and its warden who are represented by Emily Clare Downing and Patrick M. Carey of Marshall Dennehey. All parties consented to proceed before a Magistrate Judge. However, Lewis has filed a petition for a writ of mandamus seeking the recusal of the Magistrate Judge currently assigned to his case and the reassignment of another Magistrate Judge to the matter.¹ In his petition, which he asks us to expedite, Lewis seeks disqualification of the Magistrate Judge under 28 U.S.C. § 455(a) because he allegedly “maintains deep personal, professional, or financial ties” with Marshall Dennehey.² CA Doc 1 at 3–4.

Our mandamus authority includes the power to require a Magistrate Judge to recuse pursuant to 28 U.S.C. § 455. *See Alexander v. Primerica Holdings, Inc.*, 10 F.3d 155, 163 (3d Cir. 1993). However, a writ of mandamus will issue only in extraordinary circumstances. *See Sporck v. Peil*, 759 F.2d 312, 314 (3d Cir. 1985). Lewis must show that he lacks adequate alternative means to obtain the relief he seeks, and he carries the

¹ The Petition also included a motion seeking a stay of all proceedings in the District Court, including “all deadlines, hearings, and discovery” in the District Court. CA Doc. 1 at 2–3.

² In the District Court, around the same time he filed this petition, Lewis filed a motion to disqualify the Magistrate Judge. About two months later, the Magistrate Judge declined to recuse.

burden of showing that his right to relief is clear and undisputable. *See Mallard v. U.S. Dist. Court for S. Dist. of Iowa*, 490 U.S. 296, 309 (1989).

Lewis has not met his burden. Lewis claims that the Magistrate Judge maintains undisclosed “historical and current professional” conflicts with defense counsel’s firm and that this relationship requires recusal under 28 U.S.C. § 455(a). A petitioner seeking to disqualify a judge on this basis must show more than a generalized or attenuated connection between the judge and counsel; under § 455(a), the relevant inquiry is whether a reasonable person, with knowledge of all the facts, would reasonably question the judge’s impartiality. *See In re Kensington Intern. Ltd.*, 368 F.3d 289, 300–01 (3d Cir. 2004).³ Lewis’ petition offers only conclusory assertions of a “prominent” relationship between the presiding judge and defense counsel’s firm, without identifying any specific financial interest, personal relationship, or prior representation that would give rise to a reasonable question of bias. Bare allegations of this kind are insufficient to satisfy the

³ A judge must also recuse in several circumstances enumerated in § 455(b), including personal bias, prior participation as counsel in the matter, and financial or familial interests. *See* 28 U.S.C. § 455(b)(1)–(5). For the reasons discussed above, Lewis’ petition alleges none of these specific grounds. His claim rests only on a generalized and unspecified “professional relationship,” which does not require recusal.

clear-and-indisputable standard that mandamus demands. *See generally Mallard*, 490 U.S. at 309.⁴

In view of the above, Lewis' petition is denied.⁵

⁴ We note that when a committee, which included Attorney Downing, met to review whether the Magistrate Judge presiding over this action should be reappointed for a second eight-year term, the Magistrate Judge elected to recuse himself to avoid any appearance of impartiality. Once the committee completed its duties and disbanded, he took up the case again.

⁵ Lewis' motion to expedite the resolution of this petition also is denied, as is his motion seeking a stay of the District Court proceedings. To the extent that Lewis seeks any other relief from us, that relief is denied, too.