

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-2722

IN RE: PHILLIP J. PELLA,
Petitioner

On a Petition for Writ of Mandamus to the
United States District Court for the District of New Jersey
(Related to Civ. Nos. 1:25-cv-13268, 1:25-cv-16933)

Submitted Pursuant to Rule 21, Fed. R. App. P.
July 30, 2026

Before: *Chief Judge* CHAGARES, HARDIMAN, and RESTREPO, *Circuit Judges*

(Opinion filed September 2, 2026)

OPINION*

PER CURIAM

Phillip Pella has filed a pro se petition for a writ of mandamus in which he requests that we compel the District Court to rule on various filings in two related cases, including Pella's third amended complaints and requests for emergency relief in each case. We will deny the petition.

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

In 2025, Pella filed two District Court actions in which he sought relief related to his loss of certain benefits administered by the state of New Jersey, including employment assistance, food, and housing benefits. The District Court administratively terminated the cases because Pella failed to pay the filing fee or file a complete application to proceed in forma pauperis (“IFP”). Pella responded by filing IFP applications and motions to reopen the cases.

On February 13, 2026, Pella filed his first mandamus petition relating to this matter, in which he requested that we compel the District Court to rule on his pending IFP applications and related motions. *See* Doc. No. 1, C.A. No. 26-1306. On February 25 and 26, 2026, the District Court granted the IFP applications, screened the operative complaints, dismissed them without prejudice, and granted Pella leave to amend. Pella then immediately filed his third amended complaint in each case.

On March 4, 2026, we denied Pella’s first mandamus petition, concluding that his petition was, in part, moot because the District Court had ruled on the IFP applications. *See* Doc. No. 19, C.A. No. 26-1306. To the extent that Pella also requested mandamus relief directing the District Court to rule on his third amended complaints (which had just been filed) and related motions, we concluded that he had not shown a clear and indisputable right to such relief. *See id.* Less than a month later, on March 31, 2026, Pella filed another mandamus petition, which requested essentially the same relief related to his third amended complaints. On May 15, 2026, we denied that petition, explaining that the District Court had fairly recently ruled on the previous iteration of Pella’s

complaints and related filings, and that we remained confident that the District Court would expeditiously rule on the third amended complaints and related motions. *See* Doc. No. 19, C.A. No. 26-1703.

On June 1, 2026, the defendants filed a response to Pella's requests for emergency relief. The defendants also requested that the District Court dismiss the third amended complaints with prejudice. On July 13, 2026, Pella filed this mandamus petition, in which he again requests that we direct the District Court to consider the third amended complaints and rule on related motions.

Mandamus is a drastic remedy that should be granted only in extraordinary circumstances. *See In re Diet Drugs Prods. Liab. Litig.*, 418 F.3d 372, 378 (3d Cir. 2005). To demonstrate that mandamus is appropriate, a petitioner must establish that "no other adequate means" exist to obtain the relief requested, and a "clear and indisputable" right to issuance of the writ. *Madden v. Myers*, 102 F.3d 74, 79 (3d Cir. 1996). As a general rule, "matters of docket control" are within the discretion of the District Court. *In re Fine Paper Antitrust Litig.*, 685 F.2d 810, 817 (3d Cir. 1982).

As we explained when we denied Pella's previous mandamus petitions, this is still not a case in which the District Court's delay suggests a failure to exercise jurisdiction, and Pella has not shown a clear and indisputable right to have us direct the District Court to consider Pella's third amended complaints and rule on related filings at this time. *See Madden*, 102 F.3d at 79. The defendants' responsive papers were fairly recently filed,

and we remain confident that the District Court will expeditiously rule on Pella's third amended complaints and related motions.

Accordingly, we will deny the mandamus petition. Pella's requests for expedited consideration of the mandamus petition and all of his other pending requests also are denied.