

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-2772

IN RE: FRANCIS F. JOSEPH,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Middle District of Pennsylvania
(Related to Civ. No. 3:25-cv-02428)

Submitted Pursuant to Rule 21, Fed. R. App. P.
September 3, 2026
Before: RESTREPO, PORTER, and MONTGOMERY-REEVES, *Circuit Judges*
(Opinion filed September 22, 2026)

OPINION*

PER CURIAM

Francis Joseph, a detainee in the custody of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), petitions this Court for a writ of mandamus pursuant to 28 U.S.C. § 1651. For the following reasons, we will deny the mandamus petition.

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

Joseph is a citizen of India, who entered the United States in 2000 on an H-1B Visa, and later adjusted his status to that of lawful permanent resident. In 2023, he was convicted by a jury of theft or embezzlement in connection with health care, in violation of 18 U.S.C. § 669, and wire fraud, in violation of 18 U.S.C. § 1343, in which the loss to the victim exceeded \$10,000.¹ After serving his 30-month federal sentence, Joseph was taken into ICE custody on December 4, 2024, pursuant to 8 U.S.C. § 1226(c). On December 16, 2025, Joseph filed a habeas petition pursuant to 28 U.S.C. § 2241, challenging his “prolonged” detention by ICE as violative of his due process rights. ECF No. 1 at 7. Joseph also alleged that his conditions of confinement were “horrific” and that he was not receiving adequate treatment for his medical conditions, including the proper insulin for his diabetes. ECF No. 1 at 15, 17-18. He sought immediate release or, alternatively, an individualized bond hearing.

The District Court determined that Joseph’s continued detention had become unreasonable. In an order entered February 23, 2026, it granted a writ of habeas corpus and directed the Government to hold an individualized bond hearing within 21 days. An IJ held a bond hearing seven days later, on March 2, 2026, under the misimpression that

¹ In July 2024, Joseph was charged with removal as a non-citizen convicted of an aggravated felony, *see* 8 U.S.C. § 1227(a)(2)(A)(iii). An immigration judge (IJ) sustained the charges, denied Joseph’s applications for withholding of removal and for relief under the Convention Against Torture, and ordered his removal to India. *See* ECF No. 33-9. Joseph’s appeal from the IJ’s order to the Board of Immigration Appeals is still pending.

it was the last day to comply with the District Court's order, and over the objection of Joseph, who argued that his counsel was not present. The IJ denied Joseph bond.

On March 10, 2026, Joseph filed a motion with the District Court to overturn the IJ's order denying bond and for immediate release, or, alternatively, for a hearing with an "Article 2 Judge." ECF No. 23. He maintained that the bond hearing violated his due process rights. On April 3, 2026, at the District Court's direction, the Government filed a response, which opposed Joseph's motion, and an unverified transcript of the bond hearing. Joseph subsequently filed numerous motions, including a motion to expedite (and later an "emergency motion") to enforce the District Court's order granting habeas relief.

On July 20, 2026, Joseph filed this mandamus petition, seeking a writ ordering the District Court to grant his "[e]mergency motion to enforce the [h]abeas order" and his immediate release. Mandamus Pet. at 1. He argues that it has been three months since the hearing transcript was filed and the District Court has not ruled on his motions. He emphasizes his prolonged detention and his "fragile health conditions," and argues that the IJ's bond determination was "inadequate." *Id.* at 2, 3 n.5, 7.

A writ of mandamus is a drastic remedy that is available only in extraordinary cases. *See In re Diet Drugs Prods. Liab. Litig.*, 418 F.3d 372, 378 (3d Cir. 2005). To obtain the writ, Joseph must show that he has "no other adequate means to obtain the desired relief" and that "the right to issuance is clear and indisputable." *Madden v. Myers*, 102 F.3d 74, 79 (3d Cir. 1996). A writ of mandamus may be warranted where "undue delay is tantamount to a failure to exercise jurisdiction." *Id.*

On August 20, 2026, while this mandamus petition was pending, the District Court entered an order granting Joseph’s motion to enforce its February 23, 2026 judgment granting habeas relief.² In that order, the District Court vacated the IJ’s bond determination and directed the Government to provide a “constitutionally adequate individualized bond hearing” within 21 days “or release Joseph on his own recognizance.” ECF No. 58. Thus, to the extent Joseph alleges undue delay in the adjudication of his motion to enforce the District Court’s habeas judgment, his mandamus petition is moot. And to the extent he seeks an order granting his immediate release, in light of the District Court’s order, he cannot show that he has no other adequate means to obtain that relief.

Accordingly, the petition for a writ of mandamus will be denied.

² The District Court liberally construed Joseph’s March 10, 2026 filing as a motion to enforce the February 23, 2026 habeas order and his “supplemental” filings as providing “factual information and additional legal argument.” ECF No. 57 at 4-5.