HLD-002 **NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-2816

IN RE: JAIR RAMIREZ,
Petitioner

On a Petition for Writ of Mandamus to the
United States District Court for the Western District of Pennsylvania
(Related to 3:25-cv-00537)

Submitted Pursuant to Rule 21, Fed. R. App. P.
October 22, 2026
Before: CHAGARES, *Chief Judge,* HARDIMAN and RESTREPO, *Circuit Judges*

(Opinion filed: November 17, 2026)

OPINION*

PER CURIAM

Jair Ramirez, a native and citizen of Colombia, has filed a pro se petition for a writ of mandamus, requesting that we compel the District Court to rule on his 28 U.S.C. § 2241 habeas petition seeking release from Immigration and Customs Enforcement (ICE) detention. For the reasons below, 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 December 2025, Ramirez filed a habeas petition under § 2241, which he refiled, along with the filing fee, in January 2026. In March 2026, the Government filed a response to the habeas petition, and Ramirez filed a reply in April 2026. In July 2026, Ramirez filed a motion to expedite the review of his habeas petition. In August 2026, the District Court requested additional briefing related to the Government's claim that Ramirez was not cooperating with efforts to remove him from the United States. It also denied Ramirez's motion to expedite. Following supplemental briefing, on October 13, 2026, a Magistrate Judge issued a Report and Recommendation (R&R) recommending that Ramirez's habeas petition be denied.

Meanwhile, in July 2026, Ramirez filed a mandamus petition in this Court, asking us to direct the District Court to rule on his § 2241 petition. He has also filed a motion to expedite the ruling on his 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). Mandamus should not issue unless the petitioner has "no other adequate means to attain the relief" sought and has shown that his right to the writ is "clear and indisputable." *Id.* at 378-79 (quoting *Cheney v. United States Dist. Ct.*, 542 U.S. 367, 380-81 (2004)). Mandamus relief can be warranted when a court's "undue delay is tantamount to a failure to exercise jurisdiction." *Madden v. Myers*, 102 F.3d 74, 79 (3d Cir. 1996).

Ramirez has not shown that a writ of mandamus is warranted here. The Magistrate Judge issued an R&R on October 13, 2026, so it cannot be said that there is any undue

delay in the adjudication of Ramirez's habeas petition. Ramirez and the Government have an opportunity to file objections to the R&R, and we are confident the District Court will proceed with its review in due course. Ramirez's sole argument for mandamus relief appears to be delay-based, but to the extent that he challenges any of the Magistrate Judge's or District Court's orders issued thus far, he has not shown that he cannot raise those issues on appeal. *See In re Nwanze*, 242 F.3d 521, 524 (3d Cir. 2001) (recognizing that mandamus may not be used as a substitute for the regular appeals process).

We will thus deny Ramirez's mandamus petition.[1]

[1] In light of this disposition, his motion seeking expedited review is also denied.