AMENDED HLD-001 **NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-2974

IN RE: RODERICK SIMS,
Petitioner

On a Petition for Writ of Mandamus to the
United States District Court for the Middle District of Pennsylvania
(Related to Civ. No. 3:26-cv-00601)

Submitted Pursuant to Rule 21, Fed. R. App. P.
October 8, 2026

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

(Opinion filed: November 6, 2026)

OPINION[*]

PER CURIAM

Pro se petitioner Roderick Sims is a state prisoner seeking a writ of mandamus essentially asking us to intervene in his habeas proceedings in the United States District Court for the Middle District of Pennsylvania. We decline to issue the requested writ.

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

Following dismissal of his habeas petition, Sims filed at least ten motions that can be construed as motions for reconsideration, raising essentially the same issues in each. Most have been denied by the District Court for Sims's failure to obtain leave from this Court to file a second or successive petition.[1] In a mandamus petition that he filed in early August 2026,[2] Sims challenges the District Court's delay in ruling on motions he says to have filed on June 23, 2026, July 23, 2026, and July 26, 2026.[3] He asks us to direct the District Court to "investigate the delays in responding" to those motions. C.A. No. 1. He also presents a motion to amend his mandamus petition, in which he asks us to consider what he describes as interference with his Pennsylvania Post-Conviction Relief Act proceedings by a state court judge and ineffectiveness of counsel in state-court proceedings.[4]

"The writ of mandamus is an extreme remedy reserved only for the most extraordinary situations." *In re Abbott Lab'ys*, 96 F.4th 371, 379 (3d Cir. 2024) (cleaned up). The petitioner must show "(1) a clear and indisputable abuse of discretion or error of law, (2) a lack of alternative avenue for adequate relief, and (3) a likelihood of

[1] After the District Court denied reconsideration, Sims filed a notice of appeal. *See* ECF No. 37. His notice of appeal opened C.A. No. 26-3136.

[2] We could not consider it until he situated the fees and properly served the petition.

[3] Based on our review of the docket and the information in Sims's mandamus petition, it appears that he is referring to two motions filed in June and one filed in July. However, our analysis does not depend on the exact dates of the filings.

[4] We allow his amendment, and, in assessing his claim for mandamus relief, we also have considered his separately filed "Federal Rule 15. (A) Amendment." *See* C.A. No. 21.

irreparable injury." *Id*. (citation and quotation marks omitted). As a general rule, the manner in which a court disposes of cases on its docket is within its discretion. *See In re Fine Paper Antitrust Litig.*, 685 F.2d 810, 817 (3d Cir. 1982). But a writ of mandamus may be warranted where "undue delay is tantamount to a failure to exercise jurisdiction." *See Madden v. Myers*, 102 F.3d 74, 79 (3d Cir. 1996).

Sims has not demonstrated that he is entitled to such extraordinary relief. At the time Sims filed his mandamus petition, the three motions for reconsideration had been pending in the District Court for a very short time, and Sims has not demonstrated that the District Court has failed to exercise jurisdiction. We are confident that the District Court will adjudicate them within an appropriate timeframe. Furthermore, to the extent that he raises objections related to the substance of his habeas claims or any earlier ruling in his case, a writ of mandamus is not a substitute for the standard appeals process. *See In re Briscoe*, 448 F.3d 201, 212 (3d Cir. 2006).

Additionally, while we allow Sims's amendment to his mandamus petition, we deny any request that Sims may make for mandamus relief against a state court judge or related to his state court proceedings. We can use our mandamus power only "in aid of" our potential appellate jurisdiction. *United States v. Christian*, 660 F.2d 892, 894 (3d Cir. 1981). Because federal Courts of Appeal "lack jurisdiction over their state counterparts," writs of mandamus directed to state courts are generally inappropriate. *In re Richards*, 213 F.3d 773, 781 (3d Cir. 2000); *see also In re Grand Jury Proceedings*, 654 F.2d 268, 278 (3d Cir. 1981).

For these reasons, we will deny the petition for mandamus relief.[5]

[5] Sims's motion to amend his mandamus petition is granted.