NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 26-3174

IN RE: SAMIRKUMAR J. SHAH,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Western District of Pennsylvania
(Related to Crim. No. 2:16-cr-00110-001)

Submitted Pursuant to Rule 21, Fed. R. App. P.

October 8, 2026

Before: BIBAS, FREEMAN, and MASCOTT, *Circuit Judges*

(Opinion filed November 18, 2026)

OPINION*

PER CURIAM

A federal jury found Samirkumar Shah guilty of healthcare fraud under 18 U.S.C. § 1347. The District Court imposed sentence. On direct appeal, we affirmed. *See United States v. Shah*, 43 F.4th 356, 367 (3d Cir. 2022).

Next, Shah filed a motion to vacate under 28 U.S.C. § 2255. The same district judge that oversaw Shah's trial and imposed sentence was assigned the § 2255 motion. That is standard procedure. *See* Rules Governing § 2255 Proceedings, Rule 4(a) ("The clerk must promptly forward the [§ 2255] motion to the judge who conducted the trial and imposed sentence or, if the judge who imposed sentence was not the trial judge, to the judge who conducted the proceedings being challenged.").

Nearly two years after he initiated § 2255 proceedings, Shah moved to disqualify the presiding district judge, who denied the motion. The following month, Shah filed another disqualification motion, which was assigned to a different judge and denied.

Shah then turned to this Court, requesting in a pro se mandamus petition an order forcing the district judge to recuse under 28 U.S.C. § 455(a) (requiring recusal when a judge's impartiality might reasonably be questioned). Shah argues at length in his petition that the

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

nature of his § 2255 claims calls for an "independent" and "neutral" arbiter. Pet. 2. But he presents no reason to fear the district judge will shed those traits in Shah's case.

Shah directs our attention to certain of the district judge's prior rulings. *See, e.g.*, Pet. 5 (citing the denial of a "requested evidentiary hearing"); Pet. 6–7, 9–10 (claiming a need to evaluate circumstances surrounding the tentative findings related to sentencing). However, "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994). And "[d]isagreement with a judge's determinations certainly cannot be equated with the showing required to so reflect on his impartiality as to dictate recusal." *Jones v. Pittsburgh Nat'l Corp.*, 899 F.2d 1350, 1356 (3d Cir. 1990).

Shah seems to recognize as much, arguing more broadly that the totality of the district judge's involvement to date renders him unable to fairly "evaluate the constitutional significance of a record and process he personally managed." Pet. 13; *see also* Pet. 49 (listing every facet of the district judge's involvement). At bottom, though, that argument relies on mere conjecture. Recusal requests instead "must rest on the kind of objective facts that a reasonable person would use to evaluate whether an appearance of impropriety had been created[.]" *United States v. Martorano*, 866 F.2d 62, 68 (3d Cir. 1989). Shah's petition, we conclude, does not fit that description.

On the present record, the district judge thus may continue in the usual role of adjudicating challenges to the very custody he ordered. *See United States v. Wolfson*, 558 F.2d 59, 64 (2d Cir. 1977) ("We understand that regardless of a court's fairness, a defendant who has undergone two lengthy trials before the same judge, both of which ended in guilty

convictions, may come to consider that judge as biased against him. These suspicions are understandable, but, without more, they do not provide a reasonable basis for questioning a judge's impartiality [in subsequent coram nobis proceedings"]."). The mandamus petition will be denied.