

In re Joseph Cammarata

MOTION FOR CHANGE OF VENUE TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Joseph Cammarata, the pro se Petitioner, respectfully submits this motion for a change of venue to transfer his petition for a writ of mandamus from the U.S. Court of Appeals for the Third Circuit to the U.S. Court of Appeals for the Second Circuit, based on the issues raised in this case.

Mr. Cammarata has been an active pro se litigant in the Third Circuit for several years, advancing claims of constitutional violations, deprivations of due process, and misconduct involving SEC prosecutor John V. Donnelly III, the Department of Justice (DOJ), and District Court Judge Chad F. Kenney. These allegations largely remain unchallenged, as the facts involved have gone unaddressed by the SEC, DOJ, and the district court. Mr. Cammarata has demonstrated that he was at a minimum deprived of due process and that the district court lacked subject matter jurisdiction over both the criminal fraud indictment and the SEC civil action, yet the same judge presided over both matters.

This motion for a change of venue is based on several compelling factors:

**Bias and Conflict of Interest:** There are multiple undisclosed conflicts of interest involving the prosecuting attorney and the district court judge. The prosecuting attorney, John V. Donnelly III, has familial ties to the Third Circuit Court through his wife, Jeanne T. Donnelly, who serves as a senior staff attorney. This potential conflict has not been addressed despite being raised in previous filings, and it raises significant concerns regarding the impartiality of the proceedings in this Circuit. Furthermore, Mrs. Donnelly's involvement in handling judicial misconduct complaints, including one filed against Judge Kenney related to the SEC case, exacerbates these concerns.

**Denial of Due Process and Unchallenged Errors:** Mr. Cammarata has repeatedly demonstrated that the SEC's civil enforcement action lacked merit, was improperly awarded summary judgment, and involved misconduct in collusion with the district court judge. These actions included the unlawful imposition of an ex-parte Temporary Restraining Order (TRO) freezing all of Mr. Cammarata's assets on the day of his arrest. The TRO was extended without due process, personal jurisdiction, or notice, and it expired without any action by the SEC or district court to lift the freeze. These issues have remained unaddressed for over three years and are still pending before this Court under Case No. 24-1381.

**Appearance of Bias in Legal Proceedings:** The district court's actions in both the civil and criminal cases, including simultaneous hearings in Philadelphia and Miami, demonstrate the appearance of bias. Furthermore, critical legal arguments made by Mr. Cammarata, such as his reliance on Supreme Court precedent in the Sprint Communications case, have been ignored or inadequately addressed. Mr. Cammarata has serious concerns about his ability to receive a fair and impartial ruling from this Circuit due to local community ties and ongoing legal conflicts of interest among the involved parties.

**Venue in the Second Circuit:** The Second Circuit is better suited to handle complex securities and financial cases, especially those involving the SEC, securities class actions, and the intricacies of laws concerning assignments. Given that the fraud conviction involves issues related to securities law and class action litigation, the Second Circuit's expertise in these areas would contribute to a more thorough and impartial consideration of the issues raised by Mr. Cammarata.

**Ongoing and Unresolved Issues:** The SEC has failed to adequately respond to Mr. Cammarata's claims, including constitutional violations, in the ongoing appeal under Case No. 24-1381. Despite Mr. Cammarata's submissions, including ECF No. 22, the SEC has failed to address significant factual allegations and has sought extensions to delay resolution of these issues. The district court's comments, including an angry remark deleted from public hearing transcripts, further underscore the concerns of bias and improper conduct.

For the foregoing reasons, Mr. Cammarata respectfully requests that this Court grant his motion for a change of venue and transfer his petition for a writ of mandamus to the U.S. Court of Appeals for the Second Circuit. The allegations of bias, misconduct, and conflicts of interest, combined with the complexity of the legal issues at stake, make it imperative that this matter be heard by a Court free from any appearance of bias or undue influence.

Respectfully submitted,  
Joseph Cammarata

Date: March 23, 2025