

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

Case No. 23-2110

MOTION FOR REQUEST OF APPOINTED COUNSEL OR IN THE ALTERNATIVE, ORDER THE WITHDRAWAL OF PRESENT COUNSEL TO AFFORD APPELLANT TO PROCEED PRO SE

Comes now, Joseph Cammarata, the Appellant in a pro se capacity to obtain appointed counsel to proceed in filing a petition for an en banc review of the July 22nd, 2025 Entry of Judgment.

Appellant has been unable to contact present counsel, Peter Goldberger, despite numerous emails and call attempts. There is a 14-day time limit on such petition as advised by the Court's notice and Appellant is requesting replacement counsel or leave to file pro se.

Appellant has been denied review of every previous brief, motion and petition, and was unable to ever participate in his own defense. His repetitive demands to counsel for review prior to filing and inclusion of critical arguments and case law are well documented. Most critically was the Court's failure to ever apply the controlling Supreme Court law that was presented at trial and post-trial motions. The U.S. Supreme Court's decision in *Sprint Communications v. APCC Services*, was not only dispositive to the entire case and the direct appeal, it proves Appellant's "actual innocence", requiring review. The Appellant respectfully requested the Third Circuit Court to review this critical law, as constitutionally mandated by the Due Process Protections Act of 2020 ("DPPA") and Fed. R. Crim. P. 5(f), of which the district court also failed to comply. While the Appellant filed that request as an addendum to the previous petition for rehearing (ECF# 69), it was denied for being pro se (ECF# 70).

There will be a concurrent motion to this one, requesting a leave from the 14-day filing deadline from July 22nd, 2025 and an extension to allow for appointment of counsel or a pro se petition to be drafted. The Appellant is moving this Court to appoint new counsel or allow him to obtain a fair review of the facts, controlling local and Supreme Court law that was presented at trial

and post-trial motions, but has been completely suppressed by the district court and this Court thus far.

Respectfully submitted,

/s/ Joseph Cammarata

Joseph Cammarata

Dated: July 30th, 2025