

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 1, 2025

Christopher M. Wolpert
Clerk of Court

In re: BRYAN CORNWELL,

Petitioner.

No. 25-1351
(D.C. No. 1:24-CR-00047-GPG-JMC-1)
(D. Colo.)

ORDER

Before **HARTZ, EID**, and **ROSSMAN**, Circuit Judges.

A federal jury has convicted Bryan Cornwell, who also refers to himself as Bryan Bridgeforth, of transmitting a threatening communication. *See* 18 U.S.C. § 875(c). His sentencing hearing has not yet occurred. He has filed a pro se¹ petition for a writ of mandamus under 28 U.S.C. § 1651(a), together with several supplements to his petition. His petition asks this court to order a new trial and to remedy alleged judicial and prosecutorial misconduct. He also references the Crime Victims’ Rights Act, 18 U.S.C. §3771(d)—presumably because he believes he has been wronged by the alleged misconduct.

“[A] writ of mandamus is a drastic remedy, and is to be invoked only in extraordinary circumstances.” *In re Cooper Tire & Rubber Co.*, 568 F.3d 1180, 1186 (10th Cir. 2009) (internal quotation marks omitted). To receive this drastic remedy,

¹ We construe Mr. Cornwell’s pleadings liberally in light of his pro se status, but we will not construct a legal theory on his behalf. *See Whitney v. New Mexico*, 113 F.3d 1170, 1173-74 (10th Cir. 1997).

Mr. Cornwell must show he has “no other adequate means to attain the relief he desires” and that his “right to the writ is clear and indisputable.” *Id.* at 1187 (internal quotation marks omitted). Further, this court, “in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances.” *Id.* (internal quotation marks omitted).

Mr. Cornwell acknowledges he has asked the district court for the exact same relief he seeks via this mandamus petition and even submits a recent order denying relief as a supplement to his petition. But he says that he has turned to this court for relief out of necessity because those motions have been unsuccessful; besides, he tells us, he will not be able to receive a fair direct appeal because of bias, concealment of evidence, refusal to file relevant pleadings, and corruption. He also says the level of the district court’s abuse of discretion constitutes an extraordinary circumstance.

Mr. Cornwell has another mechanism to obtain the relief he seeks: He can appeal his conviction and sentence at the appropriate time. It is well established that “mandamus is not a substitute for an appeal.” *Id.* at 1186. We are not persuaded by his unsubstantiated allegations that a fair direct appeal will not be possible.

We grant Mr. Cornwell’s motion to proceed without prepayment of costs and fees. We deny his mandamus petition.

Entered for the Court

Per Curiam