FILED
United States Court of Appeals
Tenth Circuit

January 2, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

In re: LAMAR RAY STEELE, JR., Petitioner.	No. 25-3203 (D.C. No. 5:22-CR-40085-TC-1) (D. Kan.)

ORDER

Before **HARTZ**, **McHUGH**, and **FEDERICO**, Circuit Judges.

Lamar Ray Steele, Jr., recently pleaded guilty to use of a communication facility in furtherance of a controlled-substance offense. *See* 21 U.S.C. § 843(b). But a month or so before he entered into his plea agreement, he filed a pro se[1] petition for a writ of mandamus under 28 U.S.C. § 1651(a). With a trial on the horizon, he asked us to direct the district court "to correct ongoing constitutional and procedural violations, vacate orders denying pretrial motions, and dismiss the indictment or affected counts due to irreversible constitutional damages." Pet. at 1. He also asked us to direct the recusal of the Honorable Toby Crouse. Mr. Steele's guilty plea and the subsequent vacatur of his trial have mooted most of his requests, and he has not satisfied the demanding mandamus standard for the remaining request—recusal. Therefore, we deny his mandamus petition.

[1] We construe Mr. Steele'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).

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We start with Mr. Steele's request for mandamus relief to preserve his rights and stop irreversible constitutional harm during a trial set for February 6, 2026. He says the following pretrial events made his proceedings structurally unfair and left him unable to meaningfully litigate his case: (1) the district court violated his Sixth Amendment right to counsel when it refused to appoint him new counsel after he expressed dissatisfaction with seven previous attorneys; (2) some of the district court's pretrial rulings on evidence and witnesses violated his Fifth, Sixth, and Fourteenth Amendment rights; and (3) the government violated its discovery obligations. To remedy these problems, he asks this court to dismiss all or part of his indictment and to direct the district court to vacate some orders relating to pretrial matters and an interlocutory appeal. These requests are now moot in light of his guilty plea, the vacatur of his trial, and the dismissal of his interlocutory appeal for lack of jurisdiction—all of which occurred after he filed this mandamus petition.

Mr. Steele's remaining request for relief persists despite the changed circumstances. His sentencing is set for March 2026 before Judge Crouse, so we will consider his request to recuse the district judge. Mandamus is a proper vehicle to challenge the denial of a recusal motion. *See Nichols v. Alley*, 71 F.3d 347, 350 (10th Cir. 1995) (per curiam). But even so, Mr. Steele has not demonstrated that his circumstances warrant mandamus relief.

"[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). Before a writ of mandamus may issue, three conditions must be met:

> First, . . . the party seeking issuance of the writ must have no other adequate means to attain the relief he desires. Second, the petitioner must demonstrate that his right to the writ is clear and indisputable. Finally, the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances.

Id. at 1187 (citations and internal quotation marks omitted). In seeking recusal, Mr. Steele points only to adverse rulings on pretrial and appointment-of-counsel matters, which he asks this court to vacate. "[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. . . . Almost invariably, they are proper grounds for appeal, not for recusal." *Liteky v. United States*, 510 U.S. 540, 555 (1994). Mr. Steele has not shown that his circumstances fall within the rare exception to this rule, so mandamus relief is not appropriate.

We grant Mr. Steele's request to proceed without prepayment of fees and costs. We deny the petition for a writ of mandamus.

Entered for the Court

Per Curiam