No. _____

In The
Supreme Court Of The United States

IRMA ROSAS

Petitioner,

v.

ROMAN CATHOLIC ARCHDIOCESE OF CHICAGO,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

PETITION FOR A WRIT OF CERTIORARI

IRMA ROSAS, *pro se*
6333 South Lavergne Avenue
Chicago, Illinois 60638
Telephone: (773) 627-8330
E-mail: irmarosaswebsite@gmail.com

QUESTION PRESENTED

WHETHER THE LOWER COURT, IN CONFLICT WITH THIS COURT'S HOLDING IN *ERICKSON V. PARDUS*, 551 U.S. 89 (2007), SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS PERTAINING TO *PRO SE* LITIGANTS.

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PETITION FOR WRIT OF CERTIORARI

Petitioner, Irma Rosas ("Rosas"), respectfully petitions for a writ of certiorari issue to review the judgment of the Court of Appeals for the Seventh Circuit on January 15, 2019, *Rosas v. Roman Catholic Archdiocese of Chicago*, at 748 Fed. Appx. 64 (7th Cir. 2019)

OPINIONS BELOW

The opinion of the Court of Appeals, affirming the district court's opinion, and is reported at 748 Fed. Appx. 64 (7th Cir. 2019). App. 1-7. The opinion of the district court granting Respondent's motion to dismiss, No. 18-02706, not published. App. 7-8.

JURISDICTION

The judgment of the Court of Appeals was entered on January 15, 2019, affirming Respondent's motion to dismiss, finding that Rosas' denial for leave to file her suit with pauper status in district court did not warrant relief on appeal,

and finding that she did not follow federal and local rules of civil procedure. App. 4-7. The Court of Appeals denied the petition for rehearing on February 8, 2019. App. 8-9. On May 8, 2019, the Clerk of the Supreme Court of the United States extended the time to file a petition for a petition for a writ of certiorari to and including July 9, 2019. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

Relevant provisions are: *Erickson v. Pardus*, 551 U.S. 89 (2007); 28 U.S.C. § 1915; 28 U.S.C. § 1914; Federal Rule of Civil Procedure 6 and 15 and Local Rules 5.3(b), 78.1, 78.3.

STATEMENT OF THE CASE

Rosas lived in Texas when her father, Mr. Cruz Rosas, died on April 22, 2008 in Chicago, Illinois. When she returned to Illinois in 2014, she looked forward to celebrating her father on *Día de*

los muertos (Day of the Dead). On November 02, 2014, Rosas visited St. Casimir Cemetery, where her father was buried, with the intention of creating a small *ofrenda*, or altar, with *calaveras* (sugar skulls), flowers, and Mr. Rosas' favorite foods and beverages. She also bought *copal* incense to burn and candles to light. After lighting the copal, a groundskeeper arrived and ordered her to stop burning it and to remove everything she had placed on the gravestone. Rosas went to the office for an explanation and was told that she could not create an altar for her father.

On June 11, 2018, Rosas called the Cemetery and inquired whether *Día de los muertos* was going to be celebrated that year. She spoke with Dolores, who said that the only days that were celebrated were "All Saints Day" and "All Souls Day" but *not Día de los muertos*. Ted, Dolores' manager, did not know what *Día de los muertos* was until Rosas mentioned *Coco*, the animated film by Pixar Animation Studies/Walt Disney Pictures based on *Día de los muertos* that boxed over $800 million.

Día de los muertos is a culturally significant day for people of Mexican-origin.

On June 22, 2018, Rosas filed her second amended complaint—the leading case—against Respondent Roman Catholic Archdiocese of Chicago, comprising of 5 pages. (Doc. 15). Rosas asserted that Respondent prevented her from honoring her deceased father following her Mexican cultural practices of *Día de los muertos* (Day of the Dead) at St. Casimir Cemetery, in violation of Title VI of the Civil Rights Act of 1964. (*Id.* at 1).

On July 2, 2018, the Executive Committee ordered the leading case to be reassigned from Judge Virginia M. Kendall to Judge Charles R. Norgle for all further proceedings. (Doc. 17).

On July 27, 2018, Respondent moved to dismiss complaint pursuant to Rule 12(b)(6), arguing that Rosas (1) failed to state a claim under Title VI because she did not allege the required

receipt of federal financial assistance and (2) failed to state a claim under §§ 1983, 1985, or 1986 because she did not allege any state action or involvement. (Doc. 22). Respondent argued,

> A private organization is only subject to Title VI if such assistance is extended to the organization "as a whole." 42 U.S.C. § 2000d-4a(3)(A)(i); *see Boswell v. SkyWest Airlines, Inc.*, 217 F. Supp. 2d 1212, 1216 (D. Utah 2002) (a "program or activity" does not include all operations of a private entity if that private entity receives federal funds for a specific and limited purpose"); *id.* (reviewing legislative history). (*Id.* at 3).
>
> Plaintiff does not allege that federal financial assistance is extended to Defendant "as a whole." 42 U.S.C. § 2000d-4a(3)(A)(i). In addition, Plaintiff does not allege that St. Casimir

> Catholic Cemetery, where the alleged discrimination occurred, is a recipient of federal financial assistance.
>
> Accordingly, Plaintiff fails to state a claim under Title VI. See *Laramore v. Illinois Sports Facilities Auth.*, 722 F. Supp. 443, 451-52 (N.D. Ill. 1989) (dismissing Title VI claim where "plaintiffs have failed to allege federal financial assistance"); *James v. American Airlines, Inc.*, 247 F. Supp. 3d 297, 306 (E.D.N.Y 2017) (dismissing *pro se* plaintiff's Title VI claim where plaintiff failed to "identify any 'program or activity receiving Federal financial assistance'"). (*Id.* at 3-4).

Just as Rosas prepared a response to the motion, she was informed that on August 3, 2018, her complaint had been dismissed with prejudice. (App. 7-8).

During the motion hearing, the district court, asked "[b]ut there are two things you say, that this is a private institution, that there is – they are not state actors; and, additionally, they receive no form of federal funding in any way." Respondent replied, "[t]he Archdiocese as a whole does not receive federal funds, that's correct. And it is not alleged in the complaint either." (*See* Tr., Doc. 32 at 3). The district court noting Rosas' failure to appear for the hearing, held that the "motion appear[ed] meritorious on its face and [was] granted." (*Id.*, Doc. 7-8). Rosas immediately filed the notice of appeal on August 6, 2018. (Doc. 25).

On August 20, 2018, Rosas applied for leave to appeal *in forma pauperis*, which was granted. (Doc. 31). To the best of her ability as a *pro se* litigant, Rosas filed her brief on October 1, 2018. (Doc. 8).

The Court of Appeals wrote,

> We have agreed to decide this case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. CIV. P. 34(a)(2)(C). App. 1.

In short, the briefs and record adequately presented the facts and legal arguments.

A panel of the Court of Appeals affirmed the district court's judgment. App. 1-7. The panel first addressed Rosas' denial of her *in forma pauperis* application by the district court and that it had violated 28 U.S.C. § 1915(a)(1). It held,

> that ruling does not warrant relief on appeal. First, Rosas already paid the entire filing fee in the district court, as was her eventual obligation. Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed "without

> *prepayment* of fees," (emphasis added) but not without *ever* paying fees. See *Robbins v. Switzer*, 104 F. 3d 895, 897-88 (7th Cir. 1997). Second, Rosas does not contend that the court's ruling that she prepay her fee harmed her ability to litigate. To the contrary, Rosas's ability to litigate this case was not harmed because, as we explain below, the district court permissibly dismissed her complaint as legally insufficient. (App. 4-5) [emphasis in original]).

Second was Rosas' claim that the district court did not follow Federal Rule of Civil Procedure 6(c)(1). It held,

> [t]rue, the Archdiocese notified Rosas about its motion to dismiss just seven days before its hearing. But a district court may adopt local rules that alter

> the default deadlines of Rule 6, *see* Fed. R. CIV. P. 83; *Hollingsworth v. Perry*, 558 U.S. 183, 191 (2010); *Stewart Title Guar. Co. v. Cadle Co.*, 74 F.3d 835, 837 n.1 (7th Cir. 1996). The district court's local rules state that a motion served by mail must be presented to the court at least 7 days after mailing the notice to the parties. N.D. ILL. LOC. RS. 5.3(b), 78.1, 78.3. Because the Archdiocese followed the district court's permissible local rules, no error occurred. (App. 5-6).

The third argument to be addressed was Rosas' claim that the district court did not follow Federal Rule of Civil Procedure 15(a)(1)(B). The panel held,

> ...as Rosas contends, she was entitled to file an amended complaint "as a matter of course" within 21 days of the Archdiocese's motion, permission from

the judge was unnecessary. *See Swanigan v. City of Chicago*, 775 F.3d 953, 963 (7th Cir. 2015) (under Rule 15(a)(1), "whether to allow" a party's timely amendment is "out of the court's hands entirely" because the party has a "right" to amend). Yet Rosas did not even attempt to submit a proposed pleading. *Nor has she explained on appeal how she would cure the deficiency that the Archdiocese identified (no federal funding).* Rosas also has not argued that, despite the absence of a federal-funding allegation, her complaint is legally sufficient[1] under Title VI. Under these circumstances, the judge did not err by dismissing the complaint without inviting Rosas to amend her complaint a third time. *See Gonzalez-Koeneke v. West*, 791 F.3d

[1] This is not a typographical error.

> 801, 808-09 (7th Cir. 2015). App. 6-7 [emphasis added].

Rosas sought rehearing on January 28, 2019. (Doc. 15). Rosas made three arguments in response to the panel's decision to affirm the lower court's decision. (*Id.*). The first focused on the panel not addressing how Rosas' motion to proceed *in forma pauperis* was denied in district court but was granted in the Court of Appeals; her income had been *less* when she filed in district court. (*Id.* at 5-6).

Second, Rosas responded to the panel's statement, "contention that the denial of pauper status kept her from litigating a valid claim is meritless." App. 2. Rosas responded,

> [t]here are benefits in granting litigants to proceed IFP [in forma pauperis]. Pursuant to 28 U.S.C. § 1915(e), the Court is empowered to screen any civil complaint filed by a

> party proceeding IFP to determine whether the claims presented are (1) frivolous or malicious; (2) fail to state a claim on which relief may be granted; or (3) seek monetary relief against a defendant who is immune from such relief. Plaintiff-Appellant, as someone with an income below the poverty line at the time and as someone representing herself, was barred from receiving this *substantive review*. (p. 6 [emphasis in original]). (Doc. 15 at 6).

In regards to being notified about the motion hearing, the panel wrote, "*It* [the Archdiocese] notified Rosas by mail that its counsel 'shall appear' before the district judge seven days later to present the motion to dismiss." App. 4. [emphasis added]. Rosas responded,

> ...the panel found it sufficient that Defendant notify Plaintiff-Appellant of

the motion and hearing. The Court, however, never notified Plaintiff-Appellant of the motion and hearing. There was no Minute Entry for a motion and hearing. How a Defendant can dictate court proceedings continues unanswered. It also highlights a bias in favor of Defendant.

Plaintiff-Appellant has experience with other cases and in different jurisdictions, and the manner in which this case was handled presents partiality against her case. (Doc. 15 at 7).

Third, the panel wrote,

Yet Rosas did not even attempt to submit a proposed pleading. Nor has she explained on appeal how she would cure the deficiency that the

> Archdiocese identified (no federal funding). App. 6.

Rosas responded by submitting a copy of the "Combined Financial Statements as of and for the Years Ended June 30, 2017 and 2016, Supplementary Information as of and the Year Ended June 30 2017, an Independent Auditor's Report" issued by the Catholic Charities of the Archdiocese of Chicago with her petition for rehearing in order to prove how she would cure the deficiency that Respondent received/receives federal funding. (Doc. 35 at 7-9, 15-46).

From the Report, Rosas highlighted the following:

> Catholic Charities' largest government funder is the State of Illinois, who accounted for approximately 69% of the fees and grants from government agencies for the years ended June 30, 2017 and 2016. The funds received

> from the State of Illinois *originate* both *from the federal government* and the State of Illinois. (internal quotation omitted) (Doc. 35 at 8-9 [emphasis in original]).

Rosas explained to the panel of judges how Title VI protected her from discrimination by Respondent based on her race/ethnicity and national origin.

The panel denied rehearing on February 8, 2019. Rosas is now seeking review of that opinion by this Court.

This Writ of Certiorari followed.

REASONS FOR GRANTING THE WRIT

I. THIS COURT SHOULD DECIDE THE QUESTION OF WHETHER THE LOWER COURT, IN CONFLICT WITH THIS COURT'S HOLDING IN *ERICKSON V. PARDUS*, 551 U.S. 89 (2007), SO FAR

DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS PERTAINING TO *PRO SE* LITIGANTS

Notwithstanding the rulings in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), this Court rejected, with *Erickson v. Pardus*, 551 U.S. 89 (2007), the Court of Appeals' departure from liberal pleading standards set forth by Rule 8(a)(2) because Erickson had been proceeding *pro se* from the litigation's outset. This Court stated,

> [a] document filed *pro se* is "to be liberally construed," *Estelle*, 429 U.S., at 106, and "a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." *ibid.* (internal quotation marks omitted). Cf. Fed. Rule Civ. Proc. 8(f)

("All pleadings shall be construed as to do substantial justice"). (551 at 89).

Rosas has been proceeding *pro se* from the litigation's outset.

Indeed, the Court of Appeals for the Seventh Circuit has followed this Court's ruling in *Erickson*, by maintaining liberal pleading standards for *pro se* litigants. One, it has reminded courts to "construe *pro se* complaints liberally and hold them to a less stringent standard than formal pleadings drafted by lawyers." *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011) (quoting *Erickson* 551 U.S. at 94, 127 S.Ct. 2197 (citation omitted); *Obriecht v. Raemisch*, 517 F.3d 489, 491 n. 2 (7th Cir. 2008)). It has also explained that the litigant only "give enough details about the subject-matter of the case to present a story that holds together." *Swanson v. Citibank, N.A.*, 614 F.3d 404 (7th Cir. 2010). App. 9.

Two, it noted in *Osagiede v. United States*, 543 F.3d 399, 405 (7th Cir. 2008), that *pro se* litigants "will, at times, confuse legal theories or draw the wrong legal implications from a set of facts...[b]ut we [courts] do not treat every technical defect as a grounds for rejection." Rather, the question for the court is whether the complaint "adequately presents the legal and factual basis for the claim, even if the precise legal theory is inartfully articulated or more difficult to discern." *Ambrose v. Roeckeman*, 749 F.3d 615, 618 (7th Cir. 2014) (citing *Osagiede*). (*Id.*).

Finally, it has construed, where appropriate, a *pro se's* filing in the district court as what the *pro se* intended it to be treated, regardless of its label. *Williams v. Milwaukee Health Services*, 732 F.3d 770 (7th Cir. 2013); *Smith v. Grams*, 565 F.3d 1037 (7th Cir. 2009); *Lewis v. Sternes*, 390 F.3d 1019, 1027 (7th Cir. 2004). App. 11.

Unfortunately, the reality is that the Court of Appeals for the Seventh Circuit did not apply

this Court's ruling in *Erickson* or any of its own case law to Rosas. In fact, Rosas was held to *more* stringent standards than lawyers. As such, the Seventh Circuit far departed from the accepted and usual course of judicial proceedings pertaining to *pro se* litigants that she calls for an exercise of this Court's supervisory power.

A. The Seventh Circuit's Policy Arguments and Analogies to Other Sources of Law Do Not Support This Court's Ruling under *Erickson*

The principle support for the Court of Appeal's holding was its assertion that Rosas, Petitioner *pro se*, was not entitled to proceed *in forma pauperis*, and that she erred in not following federal and local rules of civil procedure.

In regards to proceeding *in forma pauperis*, the court argued that "[u]nder 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed "without *prepayment* of fees," (emphasis added) but

not without *ever* paying fees. See *Robbins v. Switzer*, 104 F.3d 895, 897-88 (7th Cir. 1997)." App. 4. Rosas no longer questions her liability of court fees.

However, Rosas still questions the validity of the *In Forma Pauperis* Application and Financial Affidavit used by the Northern District of Illinois: Eastern Division. Of particular concern are the questions pertaining to information about individuals living at the same household as a plaintiff but who are not part of the litigation, and the lack of a question whether a plaintiff pays rent. (*See* Doc. 4).

Moreover, Rosas still questions how 28 U.S.C. § 1914 provides that the filing fee in district court is $350 (COA Doc. 8) and she was charged $400. No local rule exists that amends the fee.

Upon further review of *Robbins* above, it is worth noting that the ruling stated,

> [w]hile in state prison, Martin Robbins filed several lawsuits under 42 U.S.C. § 1983. Some were dismissed because the pleadings were inscrutable, and *Robbins did not respond to judicial orders calling for clarity...* (*Id.* at 896 [emphasis added]).

In regards to *Robbins* not responding to judicial orders calling for clarity, the Court of Appeals never requested clarity from Rosas. It decided the "case without oral argument because the briefs and records adequately present[ed] the facts and legal arguments, and oral arguments would not significantly aid the court. FED. R. CIV. P. 34(a)(2)(C)." App. 1. Interestingly, Rosas' brief included *no argument* in the argument section (COA Doc. 8). Oral argument by Rosas would have aided the Court of Appeals but instead it simply affirmed the district court's ruling—a court that had not requested clarity either. These facts do not

support this Court's decision under *Erickson v. Pardus*, 551 U.S. 89 (2007).

Next, whether the district court did not adhere to Federal Rule of Civil Procedure 6(c), the Court of Appeals held, "a district court may adopt local rules that alter the default deadlines of Rule 6". (App. 5). The Court cited *Hollingsworth v. Perry*, 558 U.S. 183, 191 (2010) and *Stewart Title Guar. Co. v. Cadle Co.*, 74 F.3d 835, 837 n.1 (7th Cir. 1996). At the time, Rosas, *pro se* litigant, was not aware that the district court could adopt local rules that alter default deadlines. Yet, she was expected to know this detail.

Arguably, Rosas did not appear for the motion hearing. However whenever counsel does not appear for a hearing, the court usually warns and/or fines them. *Pro se* litigants are normally warned about not appearing for a hearing with a minute entry that reads, "Plaintiff is warned that failure without good cause to appear for the [ ]

hearing, or any future status or motion hearing, will result in the dismissal of this case with prejudice for want of prosecution." Rosas received *no such warning.*

The district court never sent Rosas any confirmation for the motion hearing. As Rosas later learned, when there is a motion to dismiss, the district court enters a minute entry as follows: "Minute entry before the Honorable [ ]. The court is in receipt of Defendant's motion to dismiss [#]. Defendant's motion to dismiss [#] is set for presentment on [ ]" and/or "Minute entry before the Honorable [ ]. Defendant [ ]'s motion to dismiss [#] is entered and continued. Plaintiff shall respond to the motion by [ ]; Defendant [ ] shall reply by [ ]." Rosas received *no such notification.*

The Court of Appeals held that it was sufficient that "[i]t [Archdiocese] notified Rosas by mail that its counsel 'shall appear' before the district judge". App. 5. In other words, the Seventh Circuit accepted that the district court had allowed

Respondent to dictate court proceedings. (*Id.*, Doc. 15 at 7).

As for *Perry* and *Stewart Title Guar. Co.*, those cases were not filed by *pro se* litigants and as such do not support this Court's decision under *Erickson*.

Finally to the question if the district court violated Federal Rule of Civil Procedure 15(a)(1)(B), the Court of Appeals held, "she was entitled to file an amended complaint 'as a matter of course' within 21 days of the Archdiocese's motion, permission from the judge was unnecessary." The Court referenced *Swanigan v. City of Chicago*, 775 F.3d 953, 963 (7th Cir. 2015) and *Gonzalez-Koeneke v. West*, 791 F.3d 801, 808-09 (7th Cir. 2015). Likewise, these two cases were litigated by attorneys and therefore do not support this Court's decision under *Erickson*.

The Respondent filed its motion to dismiss on July 27, 2018 and the district court dismissed it

on August 3, 2018. Rosas, *pro se* Petitioner, is unaware how Federal Rule of Civil Procedure 15 provides for a party to amend a complaint *after it has been dismissed with prejudice.*

The Court of Appeals for the Seventh Circuit cited *no* relevant case law pertaining to litigants proceeding *pro se*, in particular *Erickson.* It therefore conflicts with this Court's ruling in that case and its own case law.

B. Under a Proper Standard, Rosas' Argument Justifies Advancement to Adjudication through Discovery

Evaluated under a correct legal standard, Rosas' complaint, brief, and petition for rehearing were more than sufficient to raise genuine issues of material of fact for trial. Most significantly, it is undisputed that the Court of Appeals conflicted with precedent pertaining to *pro se* litigants, in particular *Erickson v. Pardus*, 551 U.S. 89 (2007). That comparison alone suffices to support a finding

that the Court's ruling is doubtful in that it did not discuss or cite such case law, especially when Rosas proceeded *pro se* since the litigation's outset.

Rosas explained how the Court of Appeals held her to a stringent standard and treated every technical defect of her complaint as grounds for rejection. It ruled that Rosas was not entitled to proceed *in forma pauperis* in district court, and that she erred in not following federal and local rules of civil procedure. Even when Rosas attempted to rectify what the Court deemed as "defective" in her brief, it denied her petition for rehearing.

Rosas also demonstrated how the Court of Appeals affirmed the district court's decision, a decision in conflict with precedent pertaining to *pro se* litigants, U.S. Codes, and Federal Rules of Civil Procedure.

Rosas speculates that she experienced a bias and partiality against her case because the

Respondent is the Roman Catholic Archdiocese of Chicago. After the Civil Rights Restoration Act of 1987, Title VI's prohibitions were meant to be applied *institution-wide*, and as *broadly as necessary* to eradicate discriminatory practices supported by federal funds. Therefore contrary to Respondent's argument, the Archdiocese as a whole does receive federal funds. (Doc. 32).

II. THIS CASE PRESENTS A RECURRING QUESTION OF EXCEPTIONAL IMPORTANCE WARRANTING THE COURT'S IMMEDIATE RESOLUTION

Rosas "has experience with other cases and in different jurisdictions, and the manner in which this case was handled presents partiality against her case." (COA Doc. 15 at 7). Clearly, this can be viewed as Rosas' opinion. However when her opinion is coalesced with that of retired Seventh Circuit Judge Richard A. Posner, her opinion is no longer only just hers. Both elucidate the lack of due process for *pro se* litigants in the Seventh Circuit.

To the question of why Judge Posner decided to retire, he said, "I was not getting along with the other judges because I was (and am) very concerned about how the court treats pro se litigants, who I believe deserve a better shake". (App. 15). He also shared how the Seventh Circuit treats *pro se* litigants. Judge Posner said, "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge." App. 19.

In the article "7th Circuit's chief judge disagrees with newly retired Posner on pro se criticisms," Chief Judge Diane Wood stated,

> First, while [Judge Posner] is certainly entitled to his own views about such matters as our Staff Attorney's Office and the accommodations we make for pro se litigants, it is worth noting that his views about that office are not shared by the other judges on the court, and

> his assumptions about the attitudes of the other judges toward pro se litigants are nothing more than that—assumptions. App. 21.
>
> In fact, the judges and our staff attorneys take great care with pro se filings, and the unanimous view of the eleven judges on the 7th Circuit (including actives and seniors) is that our staff attorneys do excellent work, comparable to the work done by our chambers law clerks. We are lucky to attract people of such high caliber for these two-year positions. (*Id.*)

Siding with Judge Wood is difficult for Rosas. What accommodations did the staff attorneys make for her? How did those accommodations compare to chamber law clerks? The panel of judges consisted of Frank H. Easterbrook, Michael S. Kanne, and David F. Hamilton. So it follows that there were

three sets of chamber law clerks for this case. Rosas questions the "high caliber" qualifier used by Wood. Clearly, Judge Posner's opinions are not "assumptions."

Moreover, what accommodations did the staff attorneys and chamber law clerks make for Rosas in district court? It was evident that Judge Norgle had not read or been "briefed" when he dismissed Rosas' case with prejudice. The questions he asked Respondent during the motion hearing on point to that fact. (*See* Tr., Doc. 32). Moreover, Rosas did not merit an order from Judge Norgle. His dismissal with prejudice consisted of *5 sentences* in a *minute entry*. Judge Posner's comparison of *pro se* litigants to "trash" is appropriate here.

Petitioner's mother, María M. Rosas, a *pro se* litigant, has experienced many irregularities in district court too. She is appealing to the Seventh Circuit (*Rosas v. Advocate Christ Medical Center et*

al. No. 19-1434). The case is still awaiting a briefing schedule.

While Petitioner and her mother are only two litigants, Petitioner has met other *pro se* litigants during court proceedings in district court who speak of irregularities with their cases. The district court is not honoring this Court's holding in *Erickson v. Pardus*, 551 U.S. 89 (2007) either.

This case is an ideal vehicle for resolving the question presented.

CONCLUSION

Mr. José Cruz Rosas, Petitioner's father, was born on May 03, 1945. As Catholics will tell you, May 3rd is the Day of the Holy Cross and that was why Petitioner's grandparents named her father José Cruz. Mr. Rosas migrated from a small, farming community in México to the United States, and immediately set himself to live the "American Dream." He worked tirelessly to provide for his family. He worked at the same meatpacking

company for over 30 years until 2008, when he suddenly died of a massive heart attack on April 20th. Ironically, April 20th was the day he and his wife became legal permanent residents in 1975.[2] April 20th is also Earth Day. Somewhere it must have been written that Mr. Rosas would depart this world on April 20th.

But no one told Petitioner. Before Mr. Rosas died in 2008, they had been estranged for about three years due to a family quarrel. Just when Petitioner and Mr. Rosas were on the verge of mending their relationship, she learned that he had died. She rushed back to Chicago from San Antonio. "Time heals." "What a farce!" Time did not heal; it just postponed the mending of their relationship. Petitioner was left with so many things that she wanted to say and so many things that she wanted to do.

When she returned to live to Chicago again, she wanted to honor her papa during *Día de los*

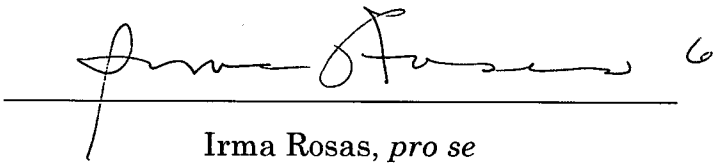
[2] Mr. Rosas eventually became a U.S. citizen.

muertos but then learned that she could not. How could "All Saints Day" and "All Souls Day" be celebrated but not *Día de los muertos*? It sounded so unfair. How could *Día de los muertos* not be celebrated if it is celebrated throughout México and the Americas with consent of the Roman Catholic Church? It continued to sound so unfair.

Petitioner would like to celebrate her sweet papa on *Día de los muertos*. She is already contemplating learning how to play the accordion, so she can sing him his favorite tunes. In fact, Petitioner also would like to celebrate other family members interred at St. Mary's and Holy Cross Catholic Cemeteries, other "memorial parks" owned and operated by Respondent.

For the foregoing reasons, Rosas respectfully requests that the Petition for Writ of Certiorari be granted. She is not trash.

Respectfully submitted,



6/29/19

Irma Rosas, *pro se*
6333 South Lavergne Avenue
Chicago, Illinois 60638
Telephone: (773) 627-8330
E-mail: irmarosaswebsite@gmail.com