

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted March 13, 2020*

Decided March 16, 2020

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

AMY C. BARRETT, *Circuit Judge*

No. 19-2167

IN RE: WALTER J. BRZOWSKI,
Appellant.

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

No. 07 C 5613

Rubén Castillo,
Judge.

ORDER

After Walter Brzowski repeatedly filed federal challenges to his divorce case, the Executive Committee for the United States District Court for the Northern District of Illinois restricted him in 2007 from filing new cases without its permission. Brzowski ignored the requirement, so in May 2019 the Committee renewed the restriction for another year. Brzowski contests that renewal, arguing that the Committee unlawfully imposed the restriction to retaliate against him for exercising his First Amendment right

*We have agreed to decide the case without oral argument because the brief and the record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

to bring federal challenges to his divorce case. But those challenges were frivolous suits, not protected speech, so we affirm the Committee's judgment.

Brzowski's ex-wife sued him for divorce in Illinois state court in September 2001. Dissatisfied with those proceedings, Brzowski came to federal court in 2002 with a suit asserting that the state court was violating his constitutional rights. He moved for leave to proceed in forma pauperis, *see* 28 U.S.C. § 1915(e)(2)(B), but the district court denied that request. The court construed Brzowski's submission not as a petition for removal but as a complaint initiating a new suit and dismissed it because it failed to state a claim and the court lacked jurisdiction to review a state-court proceeding. *See D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 476 (1983); *Rooker v. Fidelity Tr. Co.*, 263 U.S. 413, 416 (1923). Brzowski returned to federal court a year later, submitting another complaint about his ongoing divorce, along with a petition for removal and a motion for pauper status. Unsure whether Brzowski intended to remove his state-court case or initiate a new federal case, the district court ruled that it lacked jurisdiction either way, again citing *Rooker* and *Feldman*, and denied his motion and dismissed the case.

Meanwhile, the divorce proceedings continued in state court. During those proceedings, Brzowski was arrested for failing to appear in court and for violating a protective order. He responded in state court by contending that the court lost jurisdiction when he submitted his purported removal petitions in federal court, so he could ignore its orders with impunity. The state court rejected these arguments, dissolved Brzowski's marriage, and granted custody of the children to his ex-wife.

Afterwards, between 2003 and 2007, Brzowski brought nine suits in federal court, leading to the filing restriction. These suits attacked his divorce case on his theory that, once he filed what he considered removal petitions, the state court lacked jurisdiction. The district court dismissed each suit for failure to state a claim or lack of subject-matter jurisdiction. It also warned Brzowski that state court was the proper venue to challenge his divorce. Brzowski ignored the warnings, so in September 2007, the Executive Committee enjoined him from filing new civil actions without its leave. Brzowski did not initially appeal, but he also did not obey the restriction. Over the course of more than a decade, he has continued to submit complaints and other documents to the district court without permission. For that reason, the Committee has kept renewing the restriction.

Brzowski's current appeal differs slightly from some of his others. In 2009, 2010, and 2017, Brzowski attempted to appeal the filing restriction after the Committee renewed it, but each time he failed to pay the filing fee, and we dismissed those

(quoting *Nat'l Steamship Co. v. Tugman*, 106 U.S. 118, 122-23 (1882)) (reviewing an appeal from the Supreme Court of Puerto Rico, not entertaining a collateral attack).

We have considered Brzowski's other arguments, and none has merit.

AFFIRMED

IN THE U.S. COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NOTICE OF FILING

TO: Federal Executive Committee
Plaintiff/Appellee's copy
219 South Dearborn Street #2541
Chicago IL. 60604

PLEASE TAKE NOTICE That I, Walter J. Brzowski duly filed with the Clerk of the U.S. Court of Appeals for the Seventh Circuit, 219 South Dearborn Street, Suite 2710, Chicago IL. 60604 on March 24, 2020 a: Petition for Panel ReHearing Against the Flawed March 16, 2020 Affirmance Order, a copy of which is now hereby served upon you.

Walter J. Brzowski
(Respondent)/Appellant, *in Want of Counsel*
6431 South Karlov Avenue
Chicago IL 60629
#(773) 767-XXXX

Walter J. Brzowski
Walter J. Brzowski

CERTIFICATE OF DELIVERY PERSONALLY; OR BY U.S. POSTAL DELIVERY SERVICE

I, Walter J. Brzowski certifies under the Code of Federal Civil Procedure pursuant to Rule 5, that I served this **NOTICE OF FILING**, and any attachment hereon to the above mentioned Party on March 27, 2020 by: Personally; *OR* by and through the U.S. Postal Delivery Service with affixed first class prepaid postage; *OR* X by FAX transmission to the recipient's number at (312) 554-8512, to whom this Notice is directed thereon

Walter J. Brzowski
Walter J. Brzowski

GINO J. AGNELLO, CLERK OF THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

IN RE: WALTER J. BRZOWSKI
Appellant

Appeal of U.S. Northern District
Court of Illinois, No. 07 C-5613

U.S. APP. NO. 19-2167

**PETITION FOR PANEL REHEARING AGAINST THE FLAWED MARCH 16, 2020
'AFFIRMANCE ORDER'**

NOW COMES the still aggrieved, Appellant, Walter J. Brzowski in pursuant to Federal Rule of App. Procedure 40(a)(b), does hereby sternly request a retraction of the seriously flawed, (unpublished): 'Affirmance Order' entered by this Federal Appellate Court, (mainly Hon. Frank H. Easterbrook) on March 16, 2020 upon the following exposed overlooked facts and misapprehensions of both cited Laws and Facts regarding Case no. 07 C-5613, (as well from two prior Federal Removal Cases 02 C-6219 and 03 C-2685; and *even* from Removal case 07 C-1504):

STATEMENTS OF FACTS-ARGUMENTS PRESENTED

Upon close scrutinizing review of this Appellate Court's [non-precedential] 'affirmance order', it seriously appears that this U.S. Court of Appeals has undermined 'its' duty to uphold the Law and its sworn Oath of Judicial Office, (directed *mainly* at Hon. Frank H. Easterbrook, yob. 1948; adm. DC. 1975), by wrongfully 'legislating from the bench' and violating other held precedents from the U.S. Supreme Court and other Federal Court of Appeals regarding Federal Statutes 28 USC§ 1446(d) and 28 USC § 1447(c)(d), (Dkt. 110, pp. 12-13), pertaining to the issuance of the free-standing 'Certified Copy of Order of Remand' on June 22, 2005, (No. 03 C-2685 only). By such strong appearance to undermine the principles of Justice, this U.S. Court of Appeals is attempting rewrite these Federal Removal and Remand Statutes so as to coexist with the U.S. Northern District Court's 'order' entered on May 7, 2009, (Hon. James F. Holderman), on case no. 07 C-5613, which fails miserably to offer any type of due process Justice, and only serves to

protect their lower colleague District Judges, (Hons. James F. Holderman and Ruben Castillo) huge blunders on September 9, 2002, (No. 02 C-6219), and on May 5, 2003, (No. 03 C-2685), that was shown in (Appellant), Walter J. Brzowski's unopposed: "Brief and Argument for Appellant" on October 31, 2019. In fact, this latest 'affirmance order' borderlines on civil contempt against Federal Circuit Judges Easterbrook, Rovner and Barrett, because it fails to even cite Federal Statutes 28 USC § 1446(d) and § 1447(c)(d) by which was adhered to by (movant), Walter J. Brzowski on August 30, 2002, [September 4, 2002], 1st Federal Removal case no. 02 C-6219, (Hon. Ruben Castillo), (Dkt. 84, p. 9—13); on April 22, 2003, 2nd Federal Removal case no. 03 C-2685, (Hon. James F. Holderman), (Dkt. 84, pp. 15-21); on March 7, 2007, Removal case no. 07 C-1288, (Hon. Virginia M. Kendall); and on March 19, 2007, 3rd Federal Removal no. 07 C-1504, (Hon. Matthew F. Kennelly), which this U.S. private Citizen cannot be so blatantly violated of his due process Rights by these three over-reaching Federal Circuit Judges of the 7th Circuit, regardless of his status as a recognized indigent—poor person, *pro se* litigant!

This Federal Appellate Court's 'affirmance order' suspiciously ignores those repeatedly cited Federal Statutes that are totally germane to the main issue of the ENTERED: 'Certified Remand Order' on June 22, 2005, (Dkt. 84, p. 37), that **IS** procedurally correct in its foundation towards Federal Statute 28 USC § 1447(c), (Dkt. 112, p. 13), which was entered from a different Federal Case, (No. 03 C-2685, as appose to No. 07 C-5613), which also CANNOT be discredited and invalidated by ANY Federal Court pursuant to Federal Statute 28 USC §1447(d), especially some **FOUR YEARS LATER** on May 7, 2009, (Dkt. 33, pp. 1—4), and especially some **15 YEARS LATER** by this U.S. Court of Appeals on March 16, 2020!

“Once federal district court certifies remand order to state court, it is divested of jurisdiction and can take no further action on the case”, *{Seedman v. U.S. Dist. Court for Cent. Dist. Of California, #837 F.2d 413, (C.A. 9, 1988)}*;

“District court was statutorily precluded from reconsidering order remanding claims to state court; District court’s sending certified copy of remand order to State circuit court ended district court’s jurisdiction over lawsuit”, *{Hughes v. Gen. Motors Corp. #764 F. Supp. 1231, (W.D. MI. 1990)}*;

Within the highly flawed-subjective ‘order’, (Hon. Frank H. Easterbrook) on March 16, 2020 the Court proclaims: “*We will put to the side whether Brzowski forfeited this argument...*”, which can also be asserted against the lower Federal Northern District Court, (Hon. Ruben Castillo and James F. Holderman) on their challengeable ‘order’ on May 7, 2009, upon the following: ‘if’ Judge Holderman stated that Brzowski failed to remove his wife’s divorce case on two separate occasions in August 2002 and April, 2003 because: ‘*Brzowski never paid the filing fee nor obtained pauper status as required for a valid filing*’, ‘they’ also would have been barred to assert this conjecture some four years later after the Certified Remand Order was entered on June 22, 2005 because ‘they’ would have forfeited this impeachable argument due to the lengthy, *four year silence* the Federal Executive Committee elected to take! “If”, like asserted in the Appellant, Walter J. Brzowski’s ‘Brief and Argument for Appellant’ on October 31, 2019, the Federal District Courts operating on these first two Federal Removal cases *NEVER* directed their Court clerk, (Michael A. Dobbins) to issue out Invoice Bills on cases 02 C-6219 and 03 C-2685 after September 9, 2002 and May 5, 2003, and (movant), Walter J. Brzowski did in fact, filed: “*Petitions to Proceed In Forma Pauperis*” on August 30, 2002 and April 22, 2003, but those lower U.S. District Court Judges, (Castillo and Holderman) denied them arbitrarily without

offering any cogent reason—foundation as to why they did so, which those Federal Courts are refrained from doing. When a litigant files a: “Petition to Proceed In Forma Pauperis” revealing of his or her meek financial income status, the Federal District Court must offer a specific reason as to why they are denying such filed ‘Petition’, so as to offer the moving litigant such reason why so he or she can correct that minor problem. Here, there are no such specific offerings from those two collateral District Courts, and upon no ensuing ‘Court ordered’ invoice bills from their Clerk onto (movant), Walter J. Brzowski, it clearly shows that the lower U.S. District Court of Illinois, Eastern Division is clearly overreaching and ‘grasping at straws’ to suspiciously cover-up their huge blunders on September 9, 2002 and on May 5, 2003 that DID create jurisdictional havoc on Walter Brzowski’s baseless Cook County divorce case, no. 01 D-14335! As by such, the lower Federal Northern District Court forfeited its ‘Right’ to even offer: “...because Brzowski never paid the filing fee nor obtained pauper status required for a valid filing” on May 7, 2009, some 6.5 years later on Case no. 02 C-6219, and some four years later on Case no. 03 C-2685, which such ‘forfeiting principle’ should ALSO be asserted against the Federal Executive Committee as well. Such Executive Committee cannot have it both ways when they too are in forfeiture by remaining silent for such a long duration of time of this: ‘never paid filing fee nor obtained pauper status’ topic, (Fact)! Remember, when (movant), Walter J. Brzowski appeared before Judge James F. Holderman on April 28, 2005, (Case no. 03 C-2685), by his “Filing” on April 18, 2005 seeking the ‘Remand Order’, (Dkt. 84, pp. 25—28), Judge Holderman had a opportunity to inform Walter Brzowski that he had not effectuated the Removal on April 22, 2003 because of this ‘filing fee disparity’, yet the Court Transcripts of that key date discloses NO such dialogue pertaining to that *specific* topic, (Dkt. 84, p. 30—35), which then, the District Court would have forfeited—waived their argument on this subject, (Fact). Thus this U.S. Court

of Appeals, (7th Cir.), ‘affirmance order’ fails to promote fair and neutral jurisprudence and adjudication on March 16, 2020, which now presents a strong hint of favorable prejudicial bias towards their lower colleague Judges, who are employed within the reigns of the Federal Executive Committee only as its means to protect and cover-up their huge unconstitutionalism foisted against this (innocent), Appellant, (U.S. private Citizen), Brzowski since Sept. 20, 2007!

Now upon inspection of this challengeable ‘Order’, it claims: “*Brzowski returned to federal court a year later, submitting another complaint about his ongoing divorce, along with a petition for removal and a motion for pauperis status*” which correlates to the Federal Docketing statement on April 22, 2003, (No. 03 C-2685): ‘Filed: Petition for Removal; Case from State Court no. 01 D-14335’, which IS Walter J. Brzowski’s wife’s divorce case, not his! Now with that said to be correct, invokes Federal Statute 28 USC § 1446(d) at that point on April 22, 2003, which then instructs the State, (Cook County), Domestic Relations Court to: ‘proceed no further unless and until the case is remanded’, [pursuant to Federal Title 28 USC § 1447(c)], which is a direct form of: “loss of subject matter jurisdiction on divorce case no. 01 D-14335”! There can be NO ambiguity or illogical conjectures from the lower Federal District Court and this U.S. Court of Appeals about these procedurally performed Federal Removal ‘filings’ on August 30, 2002 and April 22, 2003, which would then signify the required, legal need for Court procedural adherence to Title 28 USC § 1447(c) (Dkt. 112, p. 13), which WAS duly accomplished by the granting of (movant), Walter J. Brzowski’s: “Motion for Order of Remand Back to State Court” on April 28, 2005, (No. 03 C-2685), (Dkt. 84, p. 25-28), and its subsequent ‘certification’ thereof by Clerk Dobbins on June 22, 2005, (Dkt. p. 13), which **CANNOT** be challenged, appealed, discredited, and/or invalidated by ANY Federal Court of Law, (Fact)! By the U.S. Supreme Court’s set precedent stating on: “Where remand order as to removed case is based on defect in removal procedure or lack of subject matter jurisdiction, review of that order is

unavailable no matter how plain the legal error in ordering the remand", *{Kircher v. Putnam Funds Trust*, 126 S.Ct. 2145, (June, 2006}; and other U.S. Court of Appeals declaring: "Court lacked jurisdiction to review remand order expressly based on lack of subject matter jurisdiction", *{Rio De Janeiro of the Fed. Rep. of Brazil v. Philip Morris, Inc.* 239 F. 3d 714, (CA5, 2001}; and: "Court lacked jurisdiction to review district court's order remanding case to state court pursuant to 28 USCS § 1447(c), since Congress has specifically excluded this type of remand order from appellate jurisdiction", *{Heaton v. Monogram Credit Card Bank*, 231 F. 3d 994, (CA5, 2000}, certainly reveals that District Judge James Holderman and Circuit Judge Easterbrook are violating both Federal Statute 28 USC § 1447(d) and these superior precedents by devaluating the procedural correct 'Certified, free-standing, Remand Order' which 'they' cannot do! (*Emphasis added*).

This U.S. Court of Appeals lacks appellate jurisdiction to discredit the already, procedurally entered: 'Certified Copy of Order of Remand", [that cited: 'lack of subject matter jurisdiction' thereon], which therefore, produces nullification on their attempt to do so on March 16, 2020, and must be legally discarded and withdrawn due to Stare Decisis precedents;

"Court of Appeals lacked appellate jurisdiction to review district court's order remanding the case to State court for lack of jurisdiction", *{Roberts v. BJC Health System*, #452 F. 3d 737, (C.A. 8, 2006};

"Court of Appeals did not have the authority to review decision of district court to remand for lack of subject matter jurisdiction a State law wrongful death action which had been brought originally in State court", *{Whittley v. Burlington Northern and Santa Fe RR. Co.*, #395 F.3d 829, (C.A. 8 2005};

There is another discovered set precedent, that *another* respondent removed his divorce case in Kansas pursuant to the Removal Statute, but as like the Brzowski two Federal removal cases, that removed divorce case was also procedurally remanded back to the proper State Court venue via the: 'Certified Copy of Order of Remand' in 2005, just like Brzowski's was in June, 2005; "District court's order remanding the divorce case back to State court on grounds that it lacked subject matter jurisdiction and that there had been a defect in removal procedures, was not reviewable", *{King v. Ziegler}*, #138 Fed. Appx. 60, (C.A. 10, 2005);

Within that cited Stare precedent, parallels the Brzowski's: 'Certified Remand Order' in two ways, (i) lack of subject matter jurisdiction; and (ii) 'if' there was a issue upon, (movant), Brzowski's 'failure to pay filing fees' on August 30, 2002, on April 22, 2003, and on March 19, 2007, that would be well-taken as a: 'defect in the removal process', which STILL requires the Northern District Courts of Illinois to adhere to Title 28 USC § 1447(c), and therefore, validates the procedurally correct, [free-standing], 'Certified Remand Orders' entered on June 22, 2005, (No. 03 C-2685), and on March 22, 2007, (No. 07 C-1504, and thus sternly rejects this U.S. Court of Appeals frivolous attempt to 'review and vilify' this unappealable Remand Order, because it conforms to the operations of both Federal Statute and Stare Decisis precedents!

The challengeable and flawed 'affirmance order' alleges: "*Even if we construed his two original federal filings as attempted removal petitions, they did not divest the state court of jurisdiction because Brzowski never paid the filing fee nor obtained pauper status as required for a valid filing*" that is further in error because upon inspection of (movant), Walter Brzowski's second "Petition for Removal" on April 22, 2003, (Case no. 03 C-2685), the Civil Cover Sheet proclaims the key word of 'DOCKETED, APR 23 2003' which shows that such case was indeed filed and docketed on such date. Upon the defined word of 'Docket', reveals: "*(2) a formal*

abridged record of the proceedings in a legal action", and "(3) to place on the docket for legal action", [Webster's New Collegiate Dictionary, p. 333, copyright 1979], that cannot be construed to mean anything else accept, second Removal Case no. 03 C-2685 was legally filed, and legally docketed on April 22-23, 2003, which therefore, legally validates the free-standing 'Certified Remand order' on June 22, 2005, that is NOT open to any type of Federal appellate review!

The U.S. Northern District Court(s) operating on cases 03 C-2685 and 07 C-5613 waived their objections upon this alleged: 'failure to remit Court filing fees...' thirty days *AFTER* August 30, 2002, (No. 02 C-6219), thirty days *AFTER* April 22, 2003, (No. 03 C-2685) and thirty days after September 20, 2007, (collateral case no. 07 C-5613), because as the moving *sua sponte* Courts, they had to do so in that 30 day time-frame, which upon their failure to timely do so, forfeited their 'Right' afterwards, which strikes and nullifies Circuit Judge Easterbrook's and District Judge Holderman's flawed conjecture on March 16, 2020 and on May 7, 2009;

"[Plaintiff] waived any objection to improvident removal by not making such objection within 30 days after defendant filed notice of removal, as removal without timely consent of all defendants, while improper, did not deprive Court of subject matter jurisdiction", *{Miller v. National Brokerage Services, Inc.}*, #782 F.Supp. 1440, (D. Nev. 1991};

In fact, (Appellant), Walter J. Brzowski appeared before (Federal Executive Committee), Judge James F. Holderman on April 16, 2009, (No. 07 C-5613), which after a brief discussion about his prior error to wrongfully choose 'dismissal over remand' on May 5, 2003, (No. 03 C-2685), Judge Holderman states something quite correct: "*You are correct that I erred when I dismissed your case for [lack of], subject matter jurisdiction; I should have remanded the case*", which was also echoed by collateral District Judge Matthew F. Kennelly on April 17, 2007, (No. 07 C-1504), [see p. 19, 'Brief and Argument'; (Dkt. 84, pp. 75—76]. Thus by TWO Federal District

Court Judges acknowledging the huge mistake by Judge Holderman on May 5, 2003, it caused jurisdictional havoc on Cook County divorce case no. 01 D-14335, that *BY HELD LAWS, nullifies* the State Domestic Relations Court's improper judicial actions taken *at the very least*, between April 22, 2003 and June 23, 2005, which invalidates the two 'plenary orders of protections' on May 20, 2003 and April 29, 2005, *AND* the unfounded: 'Judgment of Dissolution of Marriage' on May 20, 2003, due to lack of subject matter jurisdiction!, (see Case Law precedents, pp. 15—17, 'Brief and Argument').

(Understand, you three named Federal Circuit Judges??)

Now upon these two Removal cases themselves, the March 16, 2020 'affirmance order' states: "*Dissatisfied with those proceedings, Brzowski came to federal court in 2002 with a suit asserting that the state court was violating his constitutional rights*", which Walter J. Brzowski subsequently proved he was true and correct about the Cook County divorce Court violating several of his: 'Constitutional Rights' that invokes the charters of 28 USC § 1441 and § 1443! U.S. Federal Statute 28 USC § 1443(1) states: "*Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States...(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof*", which was exactly transpiring against (defendant), Walter Brzowski in the Cook County State Court upon case no. 01 D-14335, that gives credence and legal merit to his three Federal Removal cases between August 2002 to March, 2007! (Movant), Walter J. Brzowski revealed in several of his Federal Removals-Lawsuits between August, 2002 to July, 2007, that the Cook County Domestic Rel. Court severely violated his Fifth and Fourteenth Amendment Rights to his Constitutionally protected private property, (Alsip IL. 60803), by awarding (legal wife), Laura A. Brzowski **100%** of their

gathered marital property **WITHOUT** any separate Property Hearing, violating 750ILCS 5/503(b)(c); and violation against his intact full equal parental Rights towards his two Children, [Brandon and Eric Brzowski], that **IS** protected by the First Amendment, which was expressed in his unopposed: 'Brief and Argument' on several cited Case Precedents on page 29, by awarding (*legal wife*), Laura A. Brzowski **100%** full controlling custody of their Children **WITHOUT** any separate Custody Hearing as required by 750ILCS 5/606(a) and 5/602(a)(1)(2), that is **ALSO** a due process violation! This U.S. Court of Appeals shrugs off these: 'violating his constitutional rights' as trivial and inconsequential, but "if" these violations were personally directed towards Circuit Judge Frank H. Easterbrook's private property and children, and directed towards District Judges Ruben Castillo and James F. Holderman's private properties and children, then 'they' would have offered a totally different adjudications on these unconstitutionalism foisted onto (U.S. private Citizen), Walter J. Brzowski by the biased, Cook County IL. Domestic Court!

Thus when Federal Laws ascertain that when a U.S. private Citizen puts forth filed Legal information that he, [Brzowski], is being violated of his afforded First, Fifth and Fourteenth Amendment Rights by highly biased judicial actions from a State Domestic Relations Courts, (Hons. Young and Figueroa), it would allow such movant to remove the unconstitutional State Court action into the realm of the U.S. Northern District Court of Illinois, so as to have the overseeing 'eye' of the Federal Court to take the necessary jurisdiction upon these State Court U.S. Constitutional violations!

"That when a Federal Court is properly appealed to in a case over which it has by law jurisdiction to settle Constitutional controversies, it is the duty to take jurisdiction; The right to a party to choose a Federal court when there is a choice, cannot be properly denied", *{England v. Louisiana State Bd. Of Medical Examiners, #375 U.S. 411, 461}*;

The (Appellant), Walter J. Brzowski has now shown within these 14 previous pages the incorrect and absurd allegations made on the flawed March 16, 2020 ‘affirmance order’, and the strong appearance that it attempts to ‘rework legislative Laws’ so as to protect and cover-up the dirty dealings from their lower colleague Judges within the Federal Executive Committee since September 20, 2007, and even attempts to ignore Federal Remand Statute 28 USC § 1447(c)(d) by reviewing and discrediting an already entered, Free-Standing: ‘Certified Copy of Remand Order’ on June 22, 2005, [even from another, *dissimilar* Federal case no. 03 C-2685], which the superior U.S. Supreme Court does **NOT** allow! Such flawed: [unpublished], ‘affirmance order’ was shown that their flimsy basis of: ‘failing to remit Court filing fees and denied In Forma Pauperis petitions without any offer as to why’ from the lower District Court on September 9, 2002 and May 5, 2003, has NOT been shown effective enough to do so much damage to Walter Brzowski’s meritorious quest to seek out and obtain substantial Justice here, that cannot promote the Integrity of this U.S. Court of Appeals, and is repugnant to other cited numerous Stare Decisis precedents on his ‘Brief’, that this U.S. Court of Appeals for the Seventh Circuit does not possesses the disdainful audacity to allow their *non*-precedential order to stand, withdrawing it instanter, and offer a refurbished—corrected version as to what was truly argued by him on October 31, 2019 through that Record on Appeal! This U.S. private Citizen does *NOT* have to tolerate this type of blatant incompetence spewing from Judges who are clearly violating their sworn Judicial Oaths only as to cover-up their colleague’s previous errors and foisted injustices!

ATTESTATION

I, Walter J. Brzowski, having read and understood the above self-subscribed “Pleading”, certifies it to be true and correct in content and form, and as to where knowledge of Information provided herein is deemed truthful to assert in a Court of Law for proper recourse and effect.



Walter J. Brzowski

March 21, 2020
Date

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

March 27, 2020

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

AMY C. BARRETT, *Circuit Judge*

No. 19-2167

IN RE: WALTER J. BRZOWSKI,
Appellant.

Appeal from the United States
District Court for the Northern
District of Illinois, Eastern
Division.
No. 07 C 5613
Rubén Castillo, *Judge.*

Order

Appellant filed a petition for rehearing on March 23, 2020. All of the judges on the panel have voted to deny rehearing. The petition for rehearing is therefore DENIED?

IN THE U.S. COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NOTICE OF FILING

TO: Federal Executive Committee
Plaintiff/Appellee's copy
219 South Dearborn Street #2541
Chicago IL. 60604

TO: U.S. Supreme Court
Clerk Scott S. Harris, and (Jacob C. Travers) copy
Supreme Court Building
Washington D.C. 20543-0001

PLEASE TAKE NOTICE That I, Walter J. Brzowski duly filed with the Clerk of the U.S. Court of Appeals for the Seventh Circuit, 219 South Dearborn Street, Suite 2710, Chicago IL. 60604 on April 9, 2020 a: "Notice of Intent to Continue Onward Into the U.S. Supreme Court for a Writ of Certiorari...", a copy of which is now hereby served upon you.

Walter J. Brzowski
(Respondent)/Appellant, *in Want of Counsel*
6431 South Karlov Avenue
Chicago IL 60629
#(773) 767-XXXX


Walter J. Brzowski

CERTIFICATE OF DELIVERY PERSONALLY; OR BY U.S. POSTAL DELIVERY SERVICE

I, Walter J. Brzowski certifies under the Code of Federal Civil Procedure pursuant to Rule 5, that I served this **NOTICE OF FILING**, and any attachment hereon to the above mentioned Party on April 7, 2020 by: Personally; *OR* X by and through the U.S. Postal Delivery Service with affixed first class prepaid postage; *OR* by FAX transmission to the recipient's number at (312) 554-8512, to whom this Notice is directed thereon.


Walter J. Brzowski

GINO J. AGNELLO, CLERK OF THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

IN RE: WALTER J. BRZOWSKI
Appellant

Appeal of U.S. Northern District
Court of Illinois, No. 07 C-5613

U.S. APP. NO. 19-2167

**NOTICE OF INTENT TO CONTINUE ONWARD INTO THE U.S. SUPREME COURT
FOR A WRIT OF CERTIORARI AGAINST THE FLAWED: 'AFFIRMANCE ORDER'**

NOW COMES the still aggrieved, Appellant, Walter J. Brzowski in pursuant to Federal Rule of App. Procedure 41(d)(2)(A), does hereby affords due legal Notice to the U.S. Court of Appeals that I intend to seek further, superior review of the seriously flawed, (*unpublished*): 'Affirmance Order' entered by this Federal Appellate Court on March 16, 2020 upon the following exposed, overlooked facts and misstatements of both cited Laws and Facts regarding Case no. 07 C-5613, (as well from two prior Federal Removal Cases 02 C-6219 and 03 C-2685; and *even* from Removal case 07 C-1504), into the U.S. Supreme Court for their: 'Writ of Certiorari', as to finally resolve upon and *against* the pure conjectures discovered within such [non-precedential], 'affirmance order', pursuant to U.S. Supreme Court Rules 11 and 12, (also: Title 28 USC § 2101(e):

- 1) On March 16, 2020, this U.S. Court of Appeals, (3 panel Circuit Judges), entered a very disturbing and flawed 'affirmance order' that appears to agree with the (silent)/Appellees: May 7, 2009 'denial order' in unconstitutional case no. 07 C-5613, *et al.* that wrongfully alleges: *'failure of the (movant), Walter J. Brzowski to remit Court filing fees upon Federal Removal cases nos. 02 C-6219 and 03 C-2685 that tends to invalidate the already entered Certified Copy of Order of Remand on June 22, 2005'*, (Case no. 03 C-2685; *Brzowski v. Brzowski*), repugnant to Federal Title 28 USC § 1447(c)(d);
- 2) Now as to counter this very irregular 'affirmance order', (Appellant), Walter J. Brzowski timely e-filed a: "Petition for Panel ReHearing Against the Flawed March 16, 2020 Affir-

mance Order" on March 23, 2020, which upon inspection of this 15 page 'Filing' clearly exposes the pure conjectures and misstatements found in that March 16, 2020 'order', **AND** also reveals a strong semblance that certain Federal Circuit Judges, (*mainly* Frank H. Easterbrook and Ilana Diamond Rovner), suspiciously *legislated from the bench*, which a Federal Judicial Officer of the Court lacks any type of legislating power to do so, (Fact);

- 3) Within the unopposed e-Filed: "Petition for Panel ReHearing..." from (Appellant), Walter J. Brzowski, he puts forth **A)**: that both the lower U.S. Northern District Court of Illinois and this U.S. Court of Appeals for the Seventh Circuit clearly violated Title 28 USC § 1447(d) by wrongfully reviewing and discrediting an already issued 'Certified Copy of Order of Remand' on June 22, 2005, (No. 03 C-2685) upon a dissimilar case, no. 07 C-5613, and even *some four years later* when BOTH Federal Courts lacked their *EXPIRED* jurisdictional power to do so, (after 30 days, such: 'Remand Order' becomes finalized);
- 4) **B)** that both the lower U.S. Northern District Court of Illinois and this U.S. Court of Appeals for the Seventh Circuit improperly and absurdly used an insane, *frivolous* argument that 'upon movant Walter J. Brzowski failing to pay Court filing fees on August 30, 2002, (No. 02 C-6219), and on April 22, 2003, (No. 03 C-2685), he never perfected those two Federal Removal cases', yet both 'Civil Cover Sheets' are marked with a file-stamped "Filed" and 'Docketed' thereon, (*esp.* on April 22, 2003), which any layman—rational Individual would clearly portray that these two prior Federal Removal cases were indeed: 'FILED' and 'DOCKETED' on such dates;
- 5) **C)** that the two lower U.S. Northern District Courts of Illinois, (Hons. Ruben Castillo and James F. Holderman), arbitrarily denied (movant), Walter J. Brzowski's collaterally filed: "In Pauperis Petitions" on September 9, 2002, (No. 02 C-6219), and on May 5, 2003,

(No. 03 C-2685) without offering any type of legal explanation as to why they took their denials, that put Walter Brzowski at a loss as to just why Judges Castillo and Holderman ruled this way when he *was* financially impoverished, which they *CANNOT* do;

- 6) **D)** that the two lower U.S. Northern District Courts of Illinois never instructed the Federal District Court clerk, (Michael W. Dobbins) after September 9, 2002, and after May 5, 2003 to send invoice bills to (movant), Walter J. Brzowski's Alsip IL. 60803 residence, requiring him to pay these two federal filing fees, which upon their failure to timely do as such, they 'waived' their Right to then use as a 'gotcha weapon' against him some four years later on May 7, 2009, and from *another*, dissimilar case altogether;
- 7) **E)** that the Federal Executive Committee, (Hon. James F. Holderman), clearly overreached its limited judicial authority by acting as an appellate Circuit Judge on May 7, 2009 by reviewing and discrediting another U.S. District Court Judge's, (Hon. Matthew F. Kennelly), correct adherence to Title #28 USC § 1447(c) on March 22, 2007, (3rd Removal case no. 07 C-1504) when Judge Kennelly issued his 'Certified Remand Order' which **no** same judicial Dist. Judge can do against another *same-plane* District Judge;
- 8) **F)** that the U.S. Court of Appeals for the Seventh Circuit, completely ignoring the filed Court Transcripts of what orally transpired between (movant), Walter J. Brzowski and the U.S. Federal District Court of Illinois, (Hon. Matthew F. Kennelly) on April 17, 2007, (No. 07 C-1504), that bodes quite favorably for (Appellant) Brzowski's behalf on these two Federal Removals argument against the Cook County Domestic Relations Court's unlawful movements prior to the issued: 'Certified Copy of Order of Remand' upon baseless divorce case no. 01 D-14335, (*Brzowski v. Brzowski*);

9) **G)** that the U.S. Court of Appeals, *again* completely ignoring the filed Court Transcripts of the correct judicial actions taken by a collateral Will County pre-Trial Court, (Hon. J. Jeffrey Allen), on April 4, 2007, (Case nos. 05 CM-3968, 06 CM-103, 06 CM-2579), that *once again*, strongly favors (Appellant), Walter J. Brzowski's Removals argument under the: "*one set of Laws principle onto the State County Courts*" principle, exposing the illegal actions taken by the Cook County Domestic Relations Court between April 22, 2003 to June 23, 2005 on unfounded civil divorce case no. 01 D-14335;

10) **H)** that both the lower U.S. Northern District Court of Illinois and this U.S. Court of Appeals suspiciously failed to recognize and respect Walter J. Brzowski intact parental fatherhood Rights towards his two unconstitutionally alienated Children, [Brandon and Eric Brzowski] for over 16.6 years, through the abuse of the State Court Systems by (*legal wife/petitioner*), Laura A. Brzowski's wrongful usage of the 'petitioner-friendly' IL. Domestic Violence Act to by-pass IL. Statutes 750ILCS 5/606(a) and 5/602(a)(1) that was shown to be protected by numerated Constitutional Amendments within several cited Case Law precedents, which these Courts turned a prejudicial 'blind-eye and deaf-ear' to;

11) **I)** that both Federal District and Appellate Courts repeatedly turned a blind-eye and deaf ear toward U.S. private Citizen, Walter J. Brzowski's pleas that he was wrongfully forced to serve over 2,350 days in oppressive, Cook and Will County Sheriff jails, and ensuing IDOC imprisonments upon frivolous criminal cases citing: 'viol. of order of protection' when he attempted to express his love and fatherhood guidance onto *HIS* two private Children, which (*legal wife/Complainant*), Laura A. Brzowski induced the IL. States Attorneys Offices, (Cook and Will Counties), to create these absurd-ludicrous cases

through fatally defective and unfounded 'Plenary orders of protections', that should have never been enforced against him; AND:

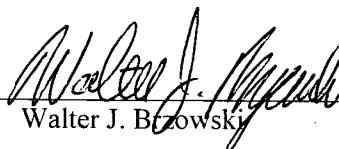
- 12) Finally, **J)** that both the U.S. Northern District Court of Illinois and the U.S. Court of Appeals both suspiciously failed to recognize and respect U.S. private Citizen, Walter J. Brzowski's repeated and justified assertions that the Cook County Domestic Relations Court, (Hons. Anthony L. Young and Raymond Figueroa) 'stole' his equal share and stake to the gathered marital property between his (*legal wife*), Laura A. Brzowski without any separate Property Hearing as duly required by 750ILCS 5/503(b)(c), that is also a violation of Walter Brzowski's Fifth and Fourteenth Amend. Rights towards his stake thereof; *AND* his total reclamation to his non-marital property *before* he married Laura A. Stang on February 14, 1998, that was unjustly awarded to her, violating 5/503(a)(2);
- 13) By and through the above **Counts H—J**, clearly would show that (movant), Walter J. Brzowski did indeed possess strong Federal legal standings to create these two Federal Removal Cases on August 30, 2002, (No. 02 C-6219), and on April 22, 2003, (No. 03 C-2685), [*and even* on March 19, 2007; No. 07 C-1504], because of these repeated violations of his afforded Constitutional Rights at the Cook County Domestic Rel. Courts arena, which Judges Castillo, Holderman and Kennelly did possess enough subject matter jurisdiction to reject their errant 'dismissals—remands' on September 9, 2002, on May 5, 2003, on June 22, 2005, on March 20th and 22nd, 2007, because Federal Statutes 28 USC § 1441 and § 1443 grants the Federal District Court to intervene over the lower State Court's unconstitutional actions foisted onto (respondent)/Citizen Walter J. Brzowski;
- 14) On March 27, 2020, these three named Circuit Judges, Easterbrook, Rovner and Barrett all arbitrarily entered a suspect 'denial order' against (Appellant), Walter J. Brzowski's

15 page: "Petition for Panel ReHearing...", that fails to resolve key issues of law and matters of fact stemming from his unopposed, filed: "Brief and Argument" from October 31, 2019, upon these above ten Counts, which certainly cannot be allowed to stand due to its blatant prejudicial injustice from these three Federal 'Officers of the Court' who are strongly appearing to rewrite Acts of Congress, and legislate from the bench so as to protect their lower fellow colleague District Court Judges within the Federal Executive Committee, (Holderman and Castillo; and *now* Rebecca R. Pallmeyer), mistakes and overreaching judicial acts (*esp.* on May 7, 2009, and on May 24, 2019), that fails miserably to promote substantial Justice and the Integrity of this Federal Appellate Court!

WHEREFORE, (Appellant), Walter J. Brzowski now respectfully places on due Legal Notice upon these above **14** points hereon, that he intends to seek U.S. Supreme Court intervention for their Writ of Certiorari to take jurisdiction over App. case no. 19-2167, and **reverse** the errant 'affirmance unpublished order' from March 16, 2020, because of its repugnancy to Federal Laws and Case law precedents cited in his October 31, 2019 "Brief and Argument" and: "Petition for Panel ReHearing" on March 23, 2020, that unjustly encroaches upon this private U.S. Citizen's quest for Constitutional, due process Justice at the Dirkssen Federal Building, Chicago IL. 60604!

ATTESTATION

I, Walter J. Brzowski, having read and understood the above self-subscribed "Notice", certifies it to be true and correct in content and form, and as to where knowledge of Information provided herein is deemed truthful to assert in a Court of Law for proper recourse and effect.


Walter J. Brzowski Apr. 7, 2020
Date

CIVIL COVER SHEET

Exhibit

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

LAURA A. BRZOWSKI

(b) County of Residence of First Listed Plaintiff

COOK

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

MICHAEL T. TRISTANO
8200 WEST 95TH STREET
HICKORY HILLS IL 60457 (708) 233-4400

DEFENDANTS

WALTER J. BRZOWSKI

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES USE THE LOCATION OF THE
LAND INVOLVED

Attorneys (If Known)

JUDGE HOLDEN

COURT

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> 1 JUDGE HOLDEN DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—Product Liability	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 470 Racketeered Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Product Liability	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Inj.	<input type="checkbox"/> 420 Copyrights	<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 430 Patents	<input type="checkbox"/> 892 Economic Stabilization Act	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 520 Habeas Corpus:	<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 950 Constitutionality of State Statutes	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 890 Other Statutory Actions	
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 861 HIA (1395ft)	
			<input type="checkbox"/> 862 Black Lung (923)	
			<input type="checkbox"/> 863 D/WC/D/WW (405(g))	
			<input type="checkbox"/> 864 SSID Title XVI	
			<input type="checkbox"/> 865 RSI (405(g))	
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause.)

Do not cite jurisdictional statutes unless diversity.)
Title 28 USC § 1343 (3); Title 28 USC § 2201; Title 28 USC § 2202;
Title 28 USC § 2283; and Title 42 USC § 1983

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes NoVIII. This case is not a resiling of a previously dismissed action. is a resiling of case , previously dismissed by Judge

DATE

SIGNATURE OF ATTORNEY OF RECORD

APR 07 14 2009

Walter J. Brzowski

4/22/03

~29~

C0000197

TERMED LEVIN

U.S. District Court
Northern District of Illinois (Chicago)

CIVIL DOCKET FOR CASE #: 03-CV-2685

Brzowski v. Brzowski
Assigned to: Hon. James F. Holderman
Demand: \$0,000
Lead Docket: None
Dkt # in Circuit Court Cook : is 01 D 14335

Filed: 05/05/03

Nature of Suit: 440
Jurisdiction: Federal Question

Cause: 28:1441 Petition for Removal- Civil Rights Act

LAURA A BRZOWSKI, -
plaintiff

Laura A Brzowski, -
[NTC] [PRO SE]
Michael T. Tristano
8200 West 95th Street
Hickory Hills, IL 60457
(708) 233-4400

v.

WALTER J BRZOWSKI
defendant

Walter J Brzowski
[NTC] [PRO SE]
P. O. Box #934
Worth, IL 60482

[4/22/03] 1 RECEIVED COMPLAINT with two copies. (jmp)
[Entry date 04/23/03]

4/22/03 2 CIVIL cover sheet. (jmp) [Entry date 04/23/03]

[4/22/03] 3 APPLICATION by defendant to proceed in forma pauperis (jmp)
[Entry date 04/23/03]

4/22/03 4 SUPPORTING AFFIDAVIT of Walter J. Brzowski of prior
violations of rights to affect subject matter jurisdiction
(jmp) [Entry date 04/23/03]

4/22/03 5 SUPPORTING AFFIDAVIT of Walter J. Brzowski for legal
recourse of applicable law. (jmp) [Entry date 04/23/03]

4/22/03 6 PRO SE APPEARANCE by defendant. (jmp) [Entry date 04/23/03]

4/22/03 7 MOTION by defendant for appointment of counsel. (jmp)
[Entry date 04/23/03]

4/23/03 -- FORWARDED entire case file to Judge Holderman. (jmp)
[Entry date 04/23/03]

5/5/03 8 MINUTE ORDER of 5/5/03 by Hon. James F. Holderman : This
action is dismissed or lack of subject matter jurisdiction.
Plaintiff's motions to proceed in forma pauperis [3-1] and
for appointment of counsel is denied as moot [7-1]. (See
reverse of minute order.) terminating case-Mailed notice
by judge's staff (jmp) [Entry date 05/06/03]

5/5/03 9 ENTERED JUDGMENT (jmp) [Entry date 05/06/03]

[END OF DOCKET: 1:03cv2685]

[Note: There is no mention of the Federal District Court "remanding" this Case back to the
State Court anywhere in this Docketing Sheet, pursuant to Title USC #28 @ 1447 (c)]

CIVIL COVER SHEET

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(a) PLAINTIFFS

LAURA A. BRZOWSKI

(b) County of Residence of First Listed Plaintiff Cook
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

WALTER J. BRZOWSKI

County of Residence of First Listed Cook

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Michael T. TRISTANO
8200 West 95th Street (708) 233-4400
Hickory Hills IL 60457

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> PTF	<input type="checkbox"/> DEF	Incorporated and Principal Place of Business in This State
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation
	<input type="checkbox"/> 6	<input type="checkbox"/> 6	

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Inj.	<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 RECEIVED MICHAEL T. DOBBINS U.S. DISTRICT COURT CHICAGO, IL AUG 30 2002
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	PROPERTY RIGHTS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause.)

Do not cite jurisdictional statutes unless diversity.)

Const. Law § 950 **Const. Law § 968-970** Denied Constitutional Due Process of Law by the State Court by arbitrary cause

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMANDS

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. This case is not a resiling of a previously dismissed action.

is a resiling of case _____, previously dismissed by Judge _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

Walter J. Brzowski

8/30/02

NCCH

07142009

8/30/02 1 RECEIVED COMPLAINT (Attachment) with one copy along with copy of petition of removal from the Circuit Court of Cook County, Illinois, Case No. 01 D 14435. (hp) [Entry date 09/03/02] [Edit date 09/03/02]

8/30/02 2 CIVIL cover sheet. (hp) [Entry date 09/03/02]

8/30/02 3 PRO SE APPEARANCE by plaintiff. (hp) [Entry date 09/03/02]

8/30/02 4 APPLICATION by plaintiff to proceed in forma pauperis (hp) [Entry date 09/03/02]

8/30/02 5 MOTION by plaintiff for appointment of counsel (hp) [Entry date 09/03/02]

9/3/02 -- FORWARDED complete case file to Judge Castillo. (hp) [Entry date 09/03/02]

9/9/02 6 MINUTE ORDER of 9/9/02 by Hon. Ruben Castillo: After a careful review of this recently filed pro se complaint, this complaint, is hereby dismissed with prejudice for the following reasons: (1) said complaint fails to state a valid federal cause of action and (2) said complaint violates the Rooker/Feldman doctrine by seeking to have a federal court appropriately review a state court proceeding. If plaintiff seeks to review a state court decision he must file a timely appeal to the State Appellate Court. Plaintiff's motions to proceed in forma pauperis [4-1] and for appointment of counsel [5-1] are both denied terminating case. Mailed notice (air) [Entry date 09/10/02]

9/9/02 7 ENTERED JUDGMENT. (air) [Entry date 09/10/02]

[END OF DOCKET: 1:02cv6219]

[Note: (Again) There is no mentioned of the Federal District Court "remanding" this Case back to the State Court anywhere in this Docketing Sheet, pursuant to Title USC #28 @ 1447 (c)]

United States District Court
Northern District of Illinois
Eastern Division

BRZOWSKI

v.

BRZOWSKI

JUDGMENT IN A CIVIL CASE

Case Number: 03 C 2685

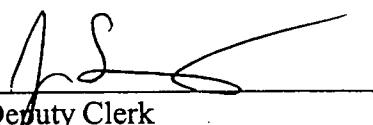
- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that this case is dismissed for lack of subject matter jurisdiction.

DOCKETED
MAY - 6 2003

Michael W. Dobbins, Clerk of Court

Date: 5/5/2003


J. Smith, Deputy Clerk



RECEIVED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

APR 18 2005

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

LAURA A. BRZOWSKI)
Plaintiff/Federal Defendant)
-vs-)
WALTER J. BRZOWSKI)
Respondent/Federal Petitioner)

CASE NO. #03 C 2685

NOTICE OF MOTION

TO: Circuit Court of Cook County
Domestic Relations Division #802
50 West Washington Street
Chicago, IL. 60602

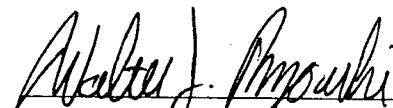
TO: Mrs. Laura A. Brzowski
Plaintiff/Federal Defendant
11557 South Joalyce Drive
Alsip, IL. 60803

On April 28, 2005 at 9:00 AM, or as soon thereafter as
counsel may be heard, I shall appear before Honorable Judge James F. Holderman, or any judge
sitting in his stead, in Courtroom number #2141 at the Dirksen Federal Building, 219 South
Dearborn Street, Chicago, IL. 60604, and present the attached pleading requesting:

"Motion For Order of Remand Back to State Court"

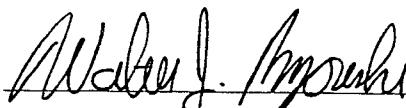
a copy is now served onto you.

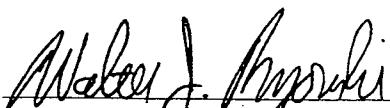
Name: Walter J. Brzowski
Attorney for: Litigant to Case
Address: 4941 West Columbus Drive
City/State/Zip: Oak Lawn, IL. 60453
Telephone: #(708) 423-4810


Signature

CERTIFICATE AND AFFIDAVIT OF DELIVERY PERSONALLY, OR BY MAIL

The undersigned hereby certifies under penalties of perjury as provided by law pursuant to #735ILCS 5/1-109, that
the above Notice and any attached pleadings were personally delivered OR X placed in the U.S. Mail
at: _____, with first class postage prepaid and directed
to all parties of record at the addresses set forth above, on or before 5:00 PM on April 18, 2005


(Signature)


(Print Name)

MICHAEL W. DOBBINS, CLERK OF THE NORTHERN DISTRICT COURT OF ILLINOIS

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division**

LAURA A. BRZOWSKI)
Plaintiff/Federal Defendant)
Versus)
WALTER J. BRZOWSKI)
Respondent/Federal Petitioner)
CASE NO. #03 C 2685
Judge James F. Holderman, presiding

MOTION FOR ORDER OF REMAND BACK TO STATE COURT

NOW COMES Walter J. Brzowski, pursuant to Title U.S.C. #28 @ 1447 (c), now states to this Honorable Federal District Court the following:

- 1) That on April 22, 2003, Walter J. Brzowski filed into the Northern Federal District Court a Complaint, along with the necessary requisites to create Federal Case No. #03 C 2685; and,
- 2) That on this date, upon inspection of the filed Civil Cover Sheet, Section V (2) states that the Origin of this Case is removed from State Court, due to violations arising from Domestic Relations Court matters against Walter J. Brzowski Civil and Constitutional Rights, (Exhibit 'A'); and,
- 3) "That when a Federal Court is properly appealed to in a Case over which it has by law jurisdiction to settle Constitutional controversies, it is the duty to take jurisdiction", {England vs. Louisiana State Board of Medical Examiners, #375 U.S. 411, 461}; and,
- 4) "The right of a Party to choose a Federal Court when there is a choice, cannot be properly denied", {England vs. Louisiana State Board of Medical Examiners, #375 U.S. 411, 461}; and,
- 5) That upon jurisdictional removals from the State Court to the Federal District Court affects the State Court from proceeding, until Title USC #28 @ 1447 (c) has been complied with, this is objectively construed to be legally accurate; and,
- 6) That on April 22, 2003, Walter J. Brzowski filed with the Illinois State Court Clerk a: "Motion For Subject Matter Jurisdiction Removal to the United States Federal Court", etc. served on all Parties on this Date, which completes the requisites for compliancy to Title #28 USC @ 1446, to legally affect such jurisdictional removals, (Exhibit 'B'); and,
- 7) Along with the Complaint, Walter J. Brzowski filed on April 22, 2003 a: "Supporting Affidavit of Prior Violations of Rights to Affect Subject-Matter Jurisdiction", and upon review of the incorporated 18 Articles clearly proclaims

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that the State Court has lost such jurisdiction due to the numerous violations of
Walter J. Brzowski's Constitutional Rights, (exhibit 'C'); and,

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That when there is a violation to a United States Citizen's Constitutional Rights
at the State Court level, the Federal Courts become available to such Citizen to
bring forth the issues of such Constitutional encroachments, and adjudicate those
matters in that legal arena, pursuant to Title USC #28 @ 1441 (b); and,
Thus, this was the chosen recourse Walter J. Brzowski undertook on April 22,
2003 to bring forth into the Northern Federal District Court, and transfer
jurisdiction from the State Court to the Federal District Court, a legal remedy that
was obtainable to Mr. Brzowski; and,
"Once removal proceedings to Federal Court are fulfilled, and requisite notice
accomplished, the State Court loses all jurisdiction in the matter", {Davis vs.
Davis, #229 S.E. 2d 847}; and,
That on May 5, 2003 a Minute Order originating from the Federal District Court,
[no Judge's endorsement disclosed], dismissed Walter J. Brzowski's filed
Complaint on a jurisdictional question; and,
Upon inspection of this Minute Order, it is clearly absent of a Remand Order as
defined in Title #28 @ 1447 (c), which still negates the Illinois State Court from
lawfully proceeding upon Circuit Case No. #01 D 14335; and,
That the Federal Clerk, (upon inspection of this Case File on January 28, 2004)
failed to: "attach a certified copy of the order of remand shall be mailed by the
[Federal] Clerk to the clerk of the State Court. The State Court may thereupon
proceed with such case"; and,
It is quite evident, by such controlling factors of Law(s) and well understood by
such meanings of legal intents that "A dismissal does not constitute an *automatic
remand* back to State Court", when such Order of Remand needs to be applied to
in this Federally removed Case; and,
"If the federal court later decides that you did not have enough reason to try to
remove your case, it is reversible error for the state court to proceed until the case
is [remanded] returned to that state court", supported by: {Echevarria vs.
Silbergliit, #441 F. 2d 225, 2nd Circuit, (1971); Schuman vs. State of Indiana, #236
N.E. 2d 830, (1968)}; and,
That now, there is a clear and distinct indication, due to the fact of the absence of
such Remand Order, the State Court is barred from proceeding lawfully, until
such time compliancy of Title USC #28 @ 1447 (c) is fulfilled; and,
"State Court may not proceed with case or retain jurisdiction after removal to
Federal District Court is effected, and will not be reinvested with jurisdiction

1 until cause is remanded to State Court", {State vs. Boone Circuit Court, #86 N.E.
2 2d 75}; and,

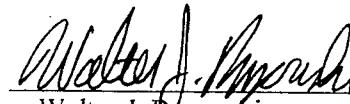
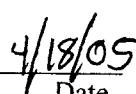
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5 18) "When the petition has been filed in the Federal District Court, State Court loses
6 jurisdiction to proceed further until case is remanded; even if basis of District
7 Court's remand is that the case was not removable, no action taken by State
8 Court in interim can stand", {Eastern vs. Carty, #389 N.E. 2d 1160}; and,
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11 19) Even if there is a jurisdictional discrepancy with such removals, Title USC #28 @
12 1447 (c) still is necessary for compliance, since it addresses the jurisdictional
13 question within its confines of definitions for the proper, required acts that
14 should have been followed henceforth by the Federal District Clerk; and,
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17 20) (Judicial Notice requested): In Black's Law Dictionary, Seventh Edition, page
18 #1034, states: **Motion to remand**: "In a case that has been removed from state
19 court to federal court, a party's request that the federal court return the case to
20 state court, usually because federal court lacks jurisdiction, or because the
21 procedures for removal were not properly followed", {#28 USCA @ 1447 (c)}; and,
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24 21) Therefore, Walter J. Brzowski now seeks such: "Certified Copy of a Remand
25 Order" from the Federal District Clerk to the State Court Clerk, granting the legal
26 provisions for the State Court to proceed.
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29 WHEREFORE, Walter J. Brzowski now respectfully prays for the following to this Federal
30 District Court for relief:

31 A) That this Federal Court issue a: Certified Copy of an Order of
32 Remand back to the State Court Clerk, (Richard J. Daley Center,
33 Chgo. IL. 60602, Room #802), pursuant to Title #28 @ 1447 (c).
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ATTESTATION

36 I, Walter J. Brzowski, having read and understood the above self-subscribed "Motion", certifies that it is
37 true in content and form, and as to where knowledge of Information is presumed truthful to assert in a
38 Court of Law for proper recourse.
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Walter J. Brzowski

Date

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

3 LAURA A. BRZOWSKI,)
4 Plaintiff,)
5 vs.)
6 WALTER J. BRZOWSKI,) No. 03 C 2685/
7 Defendant.) Chicago, Illinois
) April 28, 2005
) 9:00 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES F. HOLDERMAN

10 | APPEARANCES:

11 For the Defendant: MR. WALTER J. BRZOWSKI, Pro Se
12 P.O. Box #934
Worth, Illinois 60482
(708) 704-9187

COLLEEN M. CONWAY, CSR, CRR
Official Court Reporter
219 South Dearborn Street, Room 2144-A
Chicago, Illinois 60604
(312) 435-5594

1 (Proceedings in open court.)

2 THE CLERK: 03 C 2685, Brzowski versus Brzowski,
3 motion for remand.

4 THE COURT: All right. No one appears on this
5 motion. We will call it later in the call, and hopefully the
6 parties interested will arrive.

7 (Whereupon, the Court heard other matters on his call.)

8 THE CLERK: 03 C 2685, Brzowski versus Brzowski,
9 motion for remand.

10 MR. BRZOWSKI: Good morning, Your Honor.

11 Good morning, Your Honor.

12 THE COURT: Good morning, sir. And you are?

13 MR. BRZOWSKI: Walter Brzowski. I've -- I am the
14 respondent and the -- I put myself as the federal petitioner
15 back in, oh, April of 2003. As you -- I don't know if you
16 got the --

17 THE COURT: Right. We called this case earlier, and
18 I thought you might be arriving, and so we held the case
19 over --

20 MR. BRZOWSKI: Thank you.

21 THE COURT: -- until you could arrive.

22 MR. BRZOWSKI: Thank you.

23 THE COURT: But I need to apprise you that this case
24 was over two years ago.

25 MR. BRZOWSKI: Yes, I know, and there was -- and I've

1 been checking the files for a remand order, and the duty
2 developed on the petitioner in the state court, Laura
3 Brzowski, by and through her attorney, Michael T. Tristano,
4 and due to the fact that there -- the absence of a remand
5 order, checking the files in July of 2003 and back again in
6 January of 2004 -- and I read the federal -- the titles and
7 statutes, and it says that the order -- that according to the
8 titles, it has to be remanded back for the state court to
9 proceed --

10 THE COURT: Okay. Well --

11 MR. BRZOWSKI: -- and --

12 THE COURT: -- what I did in May of 2003 is I
13 dismissed this case for lack of subject matter jurisdiction
14 which automatically causes the matter to be available to the
15 state court --

16 MR. BRZOWSKI: Well --

17 THE COURT: -- if you wish to revive it. I entered a
18 judgment on that on May 5th, 2003, but I will tell you what I
19 will do. I will enter an order today granting your motion to
20 remand.

21 MR. BRZOWSKI: Okay.

22 THE COURT: I don't think I have jurisdiction to do
23 it, but if the state court somehow believes --

24 MR. BRZOWSKI: Yes, that's --

25 THE COURT: -- we need to tell them that they have

1 the case back, I am happy to do that.

2 MR. BRZOWSKI: Okay.

3 THE COURT: I just --

4 MR. BRZOWSKI: Because I got the federal statutes
5 right here, and it even says here that -- but everything that
6 you just -- it doesn't say nothing about dismissal equals an
7 automatic remand. I got it -- so, I, mean let's -- I just
8 want to tie up all the legal legalities here.

9 THE COURT: Okay. I understand?

10 MR. BRZOWSKI: Okay. Thank you.

11 THE COURT: All right. Your motion to remand is
12 granted because the Court lacks subject matter jurisdiction,
13 okay?

14 MR. BRZOWSKI: And then can I have a certified copy
15 or however the --

16 THE COURT: Sure. You can speak with my clerk after
17 the call about getting a certified copy of the minute order
18 that we are entering today.

19 MR. BRZOWSKI: Okay. Basically how long would it,
20 though, would it be prepared? How long does it take for the
21 order to be prepared today?

22 THE COURT: I think she could probably get it done
23 this morning, maybe before you even leave.

24 MR. BRZOWSKI: Okay.

25 THE COURT: So if you want to just --

1 MR. BRZOWSKI: I will be back in about 15, 20
2 minutes --

3 THE COURT: Okay.

4 MR. BRZOWSKI: -- and I will speak to your clerk.

5 THE COURT: She may not have it done by then, but it
6 will be done this morning.

7 MR. BRZOWSKI: Right, yeah.

8 THE COURT: Okay.

9 MR. BRZOWSKI: Thank you very much.

10 THE COURT: Okay. Thank you.

11 MR. BRZOWSKI: Bye-bye.

12 (Proceedings concluded.)

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C E R T I F I C A T E

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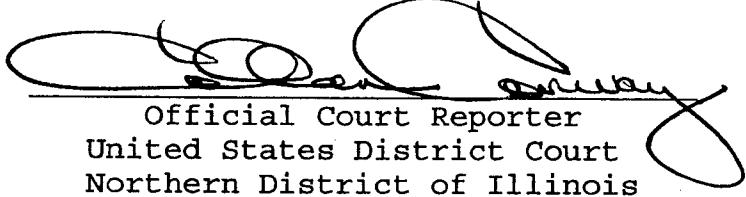
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5 I, Colleen M. Conway, do hereby certify that the
6 foregoing is a complete, true, and accurate transcript of the
7 proceedings had in the above-entitled case before the
8 Honorable JAMES F. HOLDERMAN, one of the judges of said Court,
9 at Chicago, Illinois, on April 28, 2005.

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Official Court Reporter
United States District Court
Northern District of Illinois
Eastern Division

5/16/05

Date

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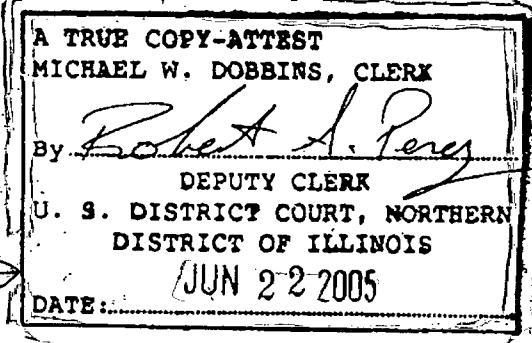
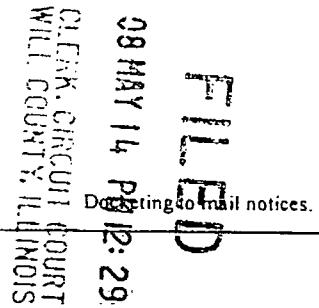
Colleen M. Conway, Official Court Reporter

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James F. Holderman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	03 C 2685	DATE	4/28/2005
CASE TITLE	LAURA A. BRZOWSKI vs. WALTER J. BRZOWSKI		

DOCKET ENTRY TEXT:

Defendant Walter J. Brzowski's motion for order of remand back to state court [10] is granted. Order case remanded to state court for lack of subject matter jurisdiction.



Courtroom Deputy Initials:	mak
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DOMESTIC RELATIONS DIVISION

2005 JUN 24 PM 12:44

STEVEN M. RAVILO
CLERK OF COURT

LAURA A. BRZOWSKI
Petitioner

AND

Walter J. Brzowski
U.S. Natural Citizen

CASE NO. #01 D 14335

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
DOMESTIC RELATIONS DIVISION
2005 JUN 23 AM

NOTICE OF FILING

TO: Michael A. Lew
Attorney For Petitioner
9700 West 131st Street
Palos Park, IL. 60467

TO: Judge Gerald C. Bender
Courtesy Copy #2801
50 West Washington St
Chicago, IL. 60602

TO: Judge Raymond Figueroa
Courtesy Copy #3002
50 West Washington St.
Chicago, IL. 60602

TO: Presiding Judge Moeshe Jacobius
Courtesy Copy #1901
50 West Washington Street
Chicago, IL. 60602

TO: Chief Judge Timothy Evans
Courtesy Copy #2600
50 West Washington Street
Chicago, IL. 60602

TO: Clerk of the Circuit Court, IL.
Court Certified Copy #802
50 West Washington Street
Chicago, IL. 60602

PLEASE TAKE NOTICE, that on June 23, 2005, I filed with the Clerk of the Circuit Court Cook County, IL., Domestic Relations Division a: "Certified Copy of a Federal Remand Order", pursuant to Federal Titles: #28 @ 1447 (c), and @ 1446 (d), a copy of which is hereby served upon you.

Walter J. Brzowski
Pro Se Litigant
4941 West Columbus Drive
Oak Lawn, IL. 60453
#(708) 423-4810


Walter J. Brzowski

CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant to Section #1-109 of the Code of Civil Procedure, I Walter J. Brzowski certify that on June 23, 2005, I mailed OR personally delivered NOTICE of FILING upon the parties mentioned above to whom the Notice is directed by placing First Class Postage in the United States Delivery Service, thereon.


Walter J. Brzowski 6/22/05
Date

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF ILLINOIS
4 EASTERN DIVISION

5 IN THE MATTER OF:

6) No. 07 C 5613

7 WALTER J. BRZOWSKI.

8) Chicago, Illinois
9) April 16, 2009
10) 9:29 o'clock a.m.

11 TRANSCRIPT OF PROCEEDINGS
12 BEFORE THE HONORABLE JAMES F. HOLDERMAN

13 APPEARANCES:

14 Pro Se:

15 MR. WALTER J. BRZOWSKI
16 6431 South Karlov
17 Chicago, Illinois 60629
18 (773) 582-4965

19
20
21
22 COLLEEN M. CONWAY, CSR, RMR, CRR
23 Official Court Reporter
24 219 South Dearborn Street, Room 2524-A
25 Chicago, Illinois 60604
 (312) 435-5594
 colleen.conway@ilnd.uscourts.gov

1 (Proceedings in open court.)

2 THE CLERK: 07 C 5613, In Re: Walter J. Brzowski.

3 MR. BRZOWSKI: Good morning, Your Honor. Good
4 morning to the Court.

5 THE COURT: Good morning.

6 Is there anything you want to say, sir?

7 MR. BRZOWSKI: Well, the first thing is I'm
8 challenging your authority and the whole Executive Committee's
9 authority to enter any orders against me.

10 As I've been listening to this Court, this is -- and
11 you're pretty much a statue of what the law dictates --
12 obviously on the removal method back in 2003, you did not
13 follow the law on that. I have clearly pointed that out in my
14 case.

15 You have subsequently corrected that error. But that
16 error blends well, well in my favor from the State Court
17 removal, and it affects some subject matter jurisdiction in the
18 State Court.

19 Last time I was in court, on March 3rd, 2009, I duly
20 expressed my whole factual objective statements to this Court
21 as to this Federal Court's failure to follow the law as well as
22 the failure to enforce its federal statutes and your own
23 certified remand order.

24 I think this case that you've developed on September
25 20, 2007 is a direct result of me trying to get or invoke this

1 Federal Court to enforce statutes and your remand order against
2 the State Court actions at the Daley Center, and that's why you
3 are -- not you, but the Executive Committee unconstitutionally
4 created case 07 C 5613 as a way to prevent me or bar me from
5 finding a remedy in the laws, of which I am a United States
6 citizen, of which I have a right to do.

7 I have tried numerous times. I even tried to spread
8 my wings out at the Western District, and they informed me that
9 you instructed them to toss my stuff in the garbage can, legal
10 documents, which was well intent of the law.

11 I have subsequently got a lawsuit against you and
12 your individual -- I got it right here, Walter Brzowski versus
13 James F. Holderman.

14 Your Honor, this has got to stop. This is -- I am --
15 by your case, 07 C 5613, I am exposed to unconstitutional acts
16 and avoid constitutional -- avoid orders coming out of the
17 Domestic Relation court. Therefore, I am challenging under the
18 Executive Committee's judicial authority, through the writ of
19 *quo warranto*, and I would like to have the proper procedures
20 through the U.S. District Attorney's Office, Patrick
21 Fitzgerald, to create a *quo warranto* proceeding, of which now
22 you will be submitted to testifying, as to why you created this
23 case or why the Executive Committee created this case, and to
24 answer questions upon that second removal method.

25 THE COURT: Your motion is denied.

1 MR. BRZOWSKI: Can I have a legal foundation?

2 THE COURT: The Executive Committee has made its
3 determinations based upon the information that has been
4 developed in this record, your individual conduct in connection
5 with this matter.

6 The determinations made in the State Court are
7 determinations that the State Court is making.

8 You are correct that I erred when I dismissed your
9 case for subject matter jurisdiction. I should have remanded
10 the case.

11 MR. BRZOWSKI: Yes.

12 THE COURT: You are correct. The State Court has
13 made its determinations based upon its evaluation of the
14 proceedings in the Federal Court.

15 MR. BRZOWSKI: Well, but, Your Honor, stop right
16 there.

17 THE COURT: I am --

18 MR. BRZOWSKI: The Appellate --

19 THE COURT: I have stopped.

20 MR. BRZOWSKI: Okay.

21 THE COURT: I am done.

22 MR. BRZOWSKI: Wait. There's --

23 THE COURT: That's the basis, sir.

24 MR. BRZOWSKI: Just one quick question on that.

25 THE COURT: We will stand in recess.

ARTICLE I - Bill of Rights

dropping devices or other
se, supported by affidavit
he persons or things to be

EARING
fense unless on indictment
ishment is by fine or by
s of impeachment, and in
ne of war or public danger.
ury or further limit its use.
punishable by death or by
a initial charge has been
has been given a prompt

e the right to appear and
nature and cause of the
with the witnesses against
ce of witnesses in his or her
trial jury of the county in
As amended by the Eighth
r 8, 1994, effective Novem-

ve the following rights as
id respect for their dignity
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ecution.
urt at sentencing.
ction, sentence, imprison-

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om the accused throughout
all other court proceedings
is to testify and the court
erially affected if the victim
proceedings, subject to the
on of the victim's choice.

for the enforcement of this
n assessment against con-
1 under this Section shall be

construed as creating a basis for vacating a conviction or a ground for appellate relief in any criminal case. (Section 8.1 added by the Seventh Amendment to the Constitution. Approved November 3, 1992, effective November 23, 1992.)

Section 9. BAIL AND HABEAS CORPUS

All persons shall be bailable by sufficient sureties, except for the following offenses where the proof is evident or the presumption great: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; and felony offenses for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, when the court, after a hearing, determines that release of the offender would pose a real and present threat to the physical safety of any person. The privilege of the writ of habeas corpus shall not be suspended except in cases of rebellion or invasion when the public safety may require it.

Any costs accruing to a unit of local government as a result of the denial of bail pursuant to the 1986 Amendment to this Section shall be reimbursed by the State to the unit of local government. (As amended by the Fourth Amendment to the Constitution. Approved November 4, 1986, effective November 25, 1986.)

Section 10. SELF-INCRIMINATION AND DOUBLE JEOPARDY

No person shall be compelled in a criminal case to give evidence against himself nor be twice put in jeopardy for the same offense.

Section 11. LIMITATION OF PENALTIES AFTER CONVICTION

All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State.

Section 12. RIGHT TO REMEDY AND JUSTICE

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly.

Section 13. TRIAL BY JURY

The right of trial by jury as heretofore enjoyed shall remain inviolate.

Section 14. IMPRISONMENT FOR DEBT

No person shall be imprisoned for debt unless he refuses to deliver up his estate for the benefit of his creditors as provided by law or unless there is a strong presumption of fraud. No person shall be imprisoned for failure to pay a fine in a criminal case unless he has been afforded adequate time to make payment, in installments if necessary, and has willfully failed to make payment.

Section 15. RIGHT OF EMINENT DOMAIN

Private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.

Section 16. EX POST FACTO LAWS AND IMPAIRING CONTRACTS

No ex post facto law, or law impairing the obligation of contracts or making an irrevocable grant of special privileges or immunities, shall be passed.

Section 17. NO DISCRIMINATION IN EMPLOYMENT AND THE SALE OR RENTAL OF PROPERTY

All persons shall have the right to be free from discrimination on the basis

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In the Matter of) Civil Action No.
Walter J. Brzowski) 07 C 5613

EXECUTIVE COMMITTEE ORDER

IT APPEARING That on September 18, 2008, an Executive Committee order was entered, directing the clerk to destroy any papers submitted either directly or indirectly by or on behalf of Walter J. Brzowski and authorizing Walter J. Brzowski to submit to this court, no earlier than six months from the date of the order, a motion to modify or rescind the order, and

IT FURTHER APPEARING That on May 13, 2019, Walter J. Brzowski submitted documents for filing, and

IT FURTHER APPEARING That the Executive Committee has reviewed Mr. Brzowski's documents, therefore

IT IS HEREBY ORDERED That Mr. Walter J. Brzowski is denied leave to file his documents submitted on May 13, 2019, and

IT IS FURTHER ORDERED That the order of September 18, 2008 shall remain in force for an additional twelve months, and

IT IS FURTHER ORDERED That Walter J. Brzowski is authorized to submit to this court, no earlier than twelve months from the date of this order, a motion to modify or rescind the restrictions against him, unless he demonstrates to the Executive Committee by written submission that he is in imminent danger of serious physical harm, and

IT IS FURTHER ORDERED That any new complaints filed by Mr. Brzowski and transferred to this Court from another jurisdiction shall be reviewed by the Executive Committee to determine whether they should be filed, and

IT IS FURTHER ORDERED That the Clerk shall cause a copy of this order to be mailed to Mr. Brzowski at 6431 S. Karlov Avenue, Chicago, Illinois 60629, the address given by Mr. Brzowski in the papers submitted on May 13, 2019. Such mailing shall be by certified or registered mail, return receipt requested.

**ENTER:
FOR THE EXECUTIVE COMMITTEE**


John C. Rose
Chief Judge

Dated at Chicago, Illinois this 24 day of May, 2019