

IN THE UNITED STATES SUPREME COURT
WASHINGTON D.C. 20543

Hon. Frank H. Easterbrook;
Hon. Amy C. Barrett, *et al.*
Presiding

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SUPREME COURT, U.S.

IN THE UNITED STATES SUPREME COURT
Washington D.C. 20543

WALTER J. BRZOWSKI)	
Petitioner/(Appellant))	U.S. SUP. CASE NO. 19-8638
v.)	
)	Appeal of U.S. Court of Appeals of
FEDERAL EXECUTIVE COMMITTEE, <i>et al.</i>)	Seventh Circuit Case no. 19-2167
Respondents/(Appellees))	

PETITION FOR REHEARING AGAINST THE OCTOBER 5, 2020: 'DENIAL ORDER'

NOW COMES The Petitioner, Walter J. Brzowski in pursuant to U.S. Supreme Court Rule 44 (2) *et seq.*, and in further support of this Pleading does hereby state the following onto this re-invoked U.S. Supreme Court for the following obtainable Redress of grievances:

- 1) On October 5, 2020 this U.S. Supreme Court issued a disturbing and arbitrary 'denial order' against the Petitioner, Walter J. Brzowski's substantial: "Petition for Writ of Certiorari" filed on May 12, 2020, docketed on June 8, 2020, that failed to resolve a *HUGE* disparity between the Seventh Circuit Court of Appeals and the Fifth Circuit Court of Appeals as well as from *THIS* U.S. Supreme Court in June, 2006;
- 2) Upon *re*-inspection of the Petitioner, Walter Brzowski's unopposed: "Petition for Writ of Certiorari for Review", puts forth that the Seventh Circuit Court of Appeals, (Hons. Easterbrook, Rovner and Barrett) issued a very suspect, controversial and challengeable 'Affirmance Order' on March 16, 2020, (App. no. 19-2167-U), that clearly goes beyond the legal limitations of Federal Remand Statute 28 USCA § 1447(d) as to take a wrongful 'review and discredit of a previously issued Certified Remand Order' from June 22, 2005, (2nd No. 03 C-2685), and even from March 22, 2007, (3rd No. 07 C-1504), which such controlling U.S. Congressional Legislative Remand Title strictly forbids;

- 3) The Petitioner's undefeated "Petition for Writ of Certiorari" filed on May 12, 2020, brings forth a strong, cogent contention based upon this, and other cited Federal Laws, (28 USC 1446(d), *inter alia*), that the U.S. Federal Appellate Courts are refrained from: "*reviewing an already existing certified copy of order of remand*", especially two here that duly existed some 13 and 15 years prior to March 16, 2020, which this U.S. Supreme Court is suspiciously allowing these three named Seventh Circuit Judges to do on October 5th, 2020, ('Judicial Notice' requested)!
- 4) Petitioner, Walter J. Brzowski's cogent: "Petition for Writ of Certiorari" cited U.S. Supreme Court Rule 10(a) that reads: "*A petition for a writ of certiorari will only be granted for compelling reasons: (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; ...or has so far departed from the accepted and usual course of judicial proceedings...as to call for an exercise of this Court's supervisory power*", which apparently was *suspiciously* overlooked by this U.S. Supreme Court on October 5, 2020;
- 5) Breaking down these legal—judicial principles in Law, it was well shown by Petitioner, Walter J. Brzowski from his "Filings" between May 12, 2020 to August 18, 2020 that the Seventh Circuit Court of Appeals clearly: "*entered a decision that came in direct conflict with two decisions from the Fifth Circuit Court of Appeals, (in 2001 and 2000), on March 16, 2020, (App. no. 19-2167-U)*", that must trigger the: "*exercise of this Court's supervisory power*" on October 5, 2020, **not** the other way around, (*Emphasis added*);
- 6) This opened: "Writ of Certiorari" proceeding on May 12, 2020 centers basically around one, singular judicial issue: 'Can the Seventh Circuit Court of Appeals review and discredit two previous free-standing Certified Remand Orders from June, 2005, (No. 03 C-2685) and from March, 2007, (No. 07 C-1504) some 15 and 13 years prior on March 16, 2020, (App.

no. 19-2167-U), which such latter Federal Appellate case was only a direct appeal against 'Restricted Filer case No. 07 C-5613', **NOT** of those two other dissimilar Removal cases?' which *Congressional* Federal Remand Title 28 USCA § 1447(d) strongly prohibits this overreaching aspect taken by such Federal Appellate Court; *AND*:

- 7) The: 'accepted and usual course of judicial proceedings' upon Federal Court's non-review of entered Certified Remand Orders throughout history has been the established normalcy, which by the challengeable 'Affirmance Order' entered by the Respondents on March 16, 2020, (App. no. 19-2167-U), and on May 7, 2009, (no. 07 C-5613; N.D. IL.), 'has so far departed from such normal, accepted course of judicial proceedings' that therefore MUST: '*call for an exercise of this Court's supervisory power*', (*Emphasis here*);
- 8) The Petitioner, Brzowski showed within his *unopposed* "Petition for Writ of Certiorari" that the Seventh Circuit's errant non-precedential decision on March 16, 2020 comes into direct conflict from two prior *PUBLISHED* decisions from the Fifth Circuit Court of Appeals of, (i): "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, (ii): "[Appellate] 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)}, that enhances the cited U.S. Supreme Rule 10(a); *AND*:
- 9) The errant, non-published decision from the Seventh Circuit Court of Appeals would also come into direct conflict with a prior *PUBLISHED* decision from THIS U.S. Supreme Court: "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)}, which not only would reject this Court’s arbitrary denial order on October 5, 2020, (*of its suspicious nature of leaving this unsettled crucial legal topic unresolved*), but **reverse** the errant—overreaching ‘Affirmance Order’ on March 16, 2020, [and the prior flawed ‘denial order’ on May 7, 2009, No. 07 C-5613; N.D. IL.], because of their clear repugnancy and opposition to Federal Remand Title 28 USCA § 1447(d), and to these three cited, published Federal precedents, (Judicial notice’ here);

- 10) U.S. Federal Remand Statute 28 USCA § 1447(c)(d) is quite clear in its instructional intentions upon this single legal topic that strictly prohibits any U.S. Court of Appeals to overextend its limit judicial boundaries, which as a controlling Act of Congress cannot be ignored and/or re-written by any U.S. Judicial Federal Court, which is exactly what transpired here on March 16, 2020 and on May 7, 2009, (No. 07 C-5613, N.D., IL.);
- 11) “Supreme Court generally presumes that Congress expects its statutes to be read in conformity with Court’s precedents”, {*Porter v. Nussle*, #122 S.Ct. 983, (Feb. 26, 2002)};
- 12) “If a statute speaks clearly to the precise question at issue, Supreme Court must give effect to the unambiguously expressed intent of Congress”, {*Barnhart v. Walton*, #122 S.Ct. 1265, (March 27, 2002)};
- 13) The arbitrary ‘denial order’ entered by this U.S. Supreme Court that suspiciously refused to address and properly resolve this open unsettled legal issue of law on October 5, 2020, leaves Petitioner/U.S. private Citizen Walter J. Brzowski’s due process Rights in peril because it still unconstitutionally allows the Respondents to force him to (*basically*), waive his [intact] First Amendment Rights at the Dirksen Federal Courthouse, Chicago

due to the revealed confliction between the March 16, 2020, [and May 7, 2009] ‘Orders’ from the Federal Seventh Circuit Courts of Illinois, and from the Fifth Circuit Court of Appeals in 2001 and 2000, [as well as from this U.S. Supreme Court in June, 2006], he would be at-a-loss as to whom to believe and cite in future Federal Court litigations;

18) Thus, due to the confusion now developed since this arbitrary ‘denial order’ on October 5, 2020 onto the Petitioner’s future due process Rights as to what course of legal action he should take upon the previously obtained two: “Certified Copies of Remand Orders”, [on June 22, 2005 and March 22, 2007], that adhere to Federal Remand Statute 28 USCA § 1447(c) in future State and Federal Court litigations, cannot be what substantial Justice promotes on this single, unsettled legal topic!, (*Emphasis added*);

19) U.S. Supreme Court ‘nominee’, **Hon. Amy C. Barrett**, (7th C.A.), has testified in front of the Senatorial Judicial Committee, (*esp.* Richard Durbin), on October 12-13, 2020 that: “*she will always follow the law and afford every U.S. Citizen his or her due process Rights seeking Justice in a [Federal] Court*”, yet upon her name appearing and agreeing with her two other Federal colleague Cir. Judges, Frank Easterbrook and Ilana D. Rovner on their ‘Affirmance Order’ on March 16, 2020, (App. no. 19-2167-U), [that is shown by Petitioner, Walter J. Brzowski on June 8, 2020 that she is portraying a falsehood to such Senate Committee because such affirmance order clearly goes *against* the manifests of Federal Removal and Remand Statutes, goes *against* the two published set precedents from the Fifth Cir. Court of Appeals in 2001 and 2000, and goes *against* the set published precedent from THIS High Court in June, 2006], would be incorrect towards such U.S. empanelled Committee, that detracts from her integrity and competence to be asserted into the U.S. Supreme Court prior to November 3, 2020, (*‘Judicial Notice’* requested);

20) **ALSO**, the Petitioner, Walter J. Brzowski also instructs onto this U.S. Supreme Court to take critical Judicial notice as to the suspicious nature of the 'non-precedential, **unpub-**lished' aspect of the March 16, 2020 'affirmance order' by Seventh Circuit Judges Frank Easterbrook, Amy C. Barrett and Ilana D. Rovner, which "if" it was published in the Federal Reporters, would cause great revolting and opposing turmoil's against other previously published precedents that adhered to the strict principles of Federal Remand Statute 28 USCA § 1447(c)(**d**), ('Judicial Notice' requested);

21) Thus the strong, urgent need for the promotion of fundamental Justice, as well as to duly protect Petitioner Walter J. Brzowski's afforded and intact Constitutional Rights at the Dirksen Federal Courthouse, Room 2000, Chicago IL. 60604, is required to move this U.S. Supreme Court for a retraction of its subjective 'denial order' on October 5, 2020 and GRANT the Petitioner's filed: "Petition for Writ of Certiorari Review of the March 16, 2020 Appellate Order", so as to address and properly review this still lingering **un**-settled legal topic carried over from March 16, 2020, (App. no. 19-2167-U), [and from May 7, 2009; No. 07 C-5613, N.D., IL.), that cannot be allowed to stand and offer on-going injustice in the Federal, (and Illinois State County Circuit Courts), since June 23, 2005!

22) "Constitutional right to access to courts is ancillary to underlying claim, without which plaintiff cannot have suffered injury by being shut out of court", {*Christopher v. Harbury*, #122 S.Ct. 2179, (June 20, 2002)};

23) Such unconstitutional injuries suffered by the Plaintiff, Walter J. Brzowski were spelled out in his filed: "Verified Complaint for Patterns of: Denials and Violations of Civil and Constitutional Rights; Neglect to Prevent the Same; Willful Discrimination" on July 16, 2007, (No. 07 C-3977; N.D. IL.; Hon. William T. Hart), which discloses within its 35

pages and several attached Exhibits such huge irreparable Fifth, Eighth and Fourteenth Amendment injuries he suffered by the named eight Illinois Defendants, invoking cited Tort Title 42 USCA § 1983 for Brzowski to be made monetarily whole against them;

- 24) Yet, Federal District Judge William T. Hart suspiciously dismissed Plaintiff Brzowski's Civil Tort Action Case 07 C-3977 on July 26, 2007 citing rambling rhetoric; and when Plaintiff/(Appellant), Walter J. Brzowski attempted to get a review of this improper final dismissal order, upon a timely filed "Notice of Appeal" on August 23, 2007, the Seventh Circuit Court of Appeals also thwarted Brzowski's direct appealed attempt by dismissing that App. case citing: "failure to pay the appellate filing fee", which (Appellant), Walter Brzowski filed a "Petition/Affidavit for In Forma Pauperis" showing he was a truly recognizable 'Poor Person' status in both the N.D. Court and the 7th Circuit Appellate Ct.;
- 25) This repeated denial pattern of (Appellant), Walter J. Brzowski's filed "Petition/Affidavit for In Forma Pauperis" continued throughout late-2007 to finally May, 2019 by the 7th Circuit Court of Appeals, depriving him access to: "take effective Appeals there", which now coupled with the unjustified: "Restricted Filer Case" no. 07 C-5613, (N.D. IL;; Hon. James F. Holderman), since September 20, 2007, clearly is a two-prong foisted unconstitutional injustice against this private U.S. Citizen, all predicated upon *pro se* litigant Brzowski exposing the huge blunders committed by Judge Ruben Castillo on September 9, 2002, (No. 02 C-6219), and by Judge James F. Holderman on May 5, 2003, (No. 03 C-2685), by not adhering to Federal Remand Statute 28 USC § 1447(c) when they both, *argumentally* discovered they lacked subject-matter jurisdiction over (twice removed), Cook County IL. divorce case no. 01 D-14335, (*Brzowski v. Brzowski*);

26) By this U.S. Supreme Court denying such “Writ for Certiorari Review” on October 5, 2020, obstructs the Petitioner, Brzowski’s Constitutional Right to have a Federal Court to competently address this preserved question regarding the improper judicial non-precedential Act committed by the overreaching Seventh Circuit Court of Appeals on March 16, 2020, that is crucial in nullifying horribly injurious judicial acts committed by the IL. Cook County Domestic Relations Court, (Case No. 01 D-14335; *Brzowski v. Brzowski*) between April 22, 2003 to June 23, 2005, which would unjustifiably segregate him from other same/similar movants-respondents who obtained the correct Ruling(s) upon Federal Removal—Remand Cases, when **THEY** duly acquired their ‘Certified Remand Orders’, invalidating their State Court ‘orders-Judgments’ in between ;

27) Thus this U.S. Supreme Court cannot arbitrarily look-the-other-way upon this crucial unsettled topic, and **MUST** address and properly adjudicate this raised issue(s), neatly spelled out in the Petitioner’s: “Writ of Certiorari Review”, which he has a legal Right to do in this properly appealed U.S. Supreme Court since May 12, 2020:

28) “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};

29) Thus the crucial need for this U.S. Supreme Court to grant Certiorari review of both 7th Circuit Case no. 19-2167-U and N.D. IL. ‘restricted filer case’ no. 07 C-5613, because when (movant), Walter J. Brzowski **WAS SUCCESSFUL** to obtain the ‘Certified Copy of Order of Remand’ on June 22, 2005, (No. 03 C-2685), pursuant to Remand Statute 28 USC § 1447(c), it caused jurisdictional havoc upon Cook County IL. divorce case no. 01


D-14335 for *at least* a period of **26** months, [April 22, 2003 to June 23, 2005], that **nullified** and invalidated several substantive State Orders and the Judgment [of Divorce], pursuant to Removal Title 28 USC § 1446(d), which *most-likely*, infuriated Judges Ruben Castillo and Holderman, (and William Hart?) enough to create that unconstitutional *sua sponte* Federal case no. 07 C-5613 against Walter J. Brzowski under the pretense of retaliation by flexing their ‘judicial muscle’ upon him, and keep it going for so long!

WHEREFORE, the Petitioner Walter J. Brzowski respectfully prays to this U.S. Supreme Court upon all these above 29 points as to vacate the arbitrary ‘denial order’ on October 5, 2020, and grant his filed: “Petition for Writ of Certiorari for Review”, (May 12, 2020), so as to finally resolve this on-going legal dispute from the Seventh Circuit Court of Appeals, and from the Northern District Court of Illinois since March 16, 2020 and from May 7, 2009, **AND** as to safeguard his Constitutionally protected, superior Rights from unjustified encroachment from these overreaching Federal Courts at their downtown Chicago IL. Federal Courthouse!

ATTESTATION

I, Walter J. Brzowski, having read and understood the above self subscribed “Pleading” believes that it is true and correct in content and form, and as to where knowledge of Information provided herein is presumed truthful to assert in a Court of Law.

Dated this 20th day of October, 2020



Walter J. Brzowski