

EXHIBITS
FOR
SUPPORT

Source: [Legal > Federal Legal - U.S. > United States Code Service \(USCS\) Materials > United States Code Service - Titles 1 through 50](#)

TOC: [United States Code Service - Titles 1 through 50 > /.../ > CHAPTER 89. DISTRICT COURTS; REMOVAL OF CASES FROM STATE COURTS > § 1446. Procedure for removal](#)

Terms: [28 USC 1446](#) ([Edit Search](#))

Select for FOCUS™ or Delivery



28 USCS § 1446

UNITED STATES CODE SERVICE

[Practitioner's Toolbox](#)

Copyright © 2005 Matthew Bender & Company, Inc.,

one of the LEXIS Publishing (TM) companies

All rights reserved



*** CURRENT THROUGH P.L. 109-13, APPROVED 5/11/05 ***

TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE

PART IV. JURISDICTION AND VENUE

CHAPTER 89. DISTRICT COURTS; REMOVAL OF CASES FROM STATE COURTS

[♦ GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION](#)

28 USCS § 1446 (2005)

§ 1446. Procedure for removal

(a) A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to [Rule 11 of the Federal Rules of Civil Procedure](#) and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

(b) The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.

If the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable, except that a case may not be removed on the basis of jurisdiction conferred by section 1332 of this title [[28 USCS § 1332](#)] more than 1 year after commencement of the action.

(c) (1) A notice of removal of a criminal prosecution shall be filed not later than thirty days after the arraignment in the State court, or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the defendant or defendants leave to file the notice at a later time.

(2) A notice of removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds which exist at the time of the filing of the notice shall constitute a waiver of such grounds, and a second notice may be filed only on grounds not existing at the

time of the original notice. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

(3) The filing of a notice of removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded.

(4) The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and after such hearing shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.

(d) Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect removal and the State court shall proceed no further unless and until the case is remanded.

(e) If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into his custody and deliver a copy of the writ to the clerk of such State court.

(f) With respect to any counterclaim removed to a district court pursuant to section 337(c) of the Tariff Act of 1930 [19 USCS § 1337(c)], the district court shall resolve such counterclaim in the same manner as an original complaint under the Federal Rules of Civil Procedure, except that the payment of a filing fee shall not be required in such cases and the counterclaim shall relate back to the date of the original complaint in the proceeding before the International Trade Commission under section 337 of that Act [19 USCS § 1337].

History:

(June 25, 1948, ch 646, § 1, 62 Stat. 939; May 24, 1949, ch 139, § 83, 63 Stat. 101; Sept. 29, 1965, P.L. 89-215, 79 Stat. 887; July 30, 1977, P.L. 95-78, § 3, 91 Stat. 321; Nov. 19, 1988, P.L. 100-702, Title X, § 1016(b), 102 Stat. 4669; Dec. 9, 1991, P.L. 102-198, § 10 (a), 105 Stat. 1626; Dec. 8, 1994, P.L. 103-465, Title III, Subtitle C, § 321(b)(2), 108 Stat. 4946; Oct. 19, 1996, P.L. 104-317, Title VI, § 603, 110 Stat. 3857.)

History; Ancillary Laws and Directives:

- 1. Prior law and revision
- 2. Amendments

1. Prior law and revision:

1948 Act

Based on title 28, U.S.C., 1940 ed., §§ 72, 74, 75, 76 (May 3, 1911, ch. 231, §§ 29, 31, 32, 33, 36 Stat. 1095, 1097; Aug. 23, 1916, ch. 399, 39 Stat. 532; July 30, 1977, Pub. L. 95-78, § 3, 91 Stat. 321.)

Section consolidates portions of sections 74, 75, and 76 with section 72 of title 28, U.S.C., 1940 ed., with important changes of substance and phraseology.

Subsection (a), providing for the filing of the removal petition in the district court, is

CIVIL COVER SHEET

02 C 62-19

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)

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)

- | | |
|--|--|
| <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"/> PTF 1 | <input type="checkbox"/> DEF 1 | Incorporated and Principal Place of Business in This State | <input type="checkbox"/> PTF 4 | <input type="checkbox"/> DEF 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| 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	PERSONAL INJURY	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	PROPERTY RIGHTS	<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"/> 820 Copyrights	<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"/> 830 Patent	<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"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer 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	LABOR	<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 Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 360 Other Personal Inj.	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 892 Economic Stabilization Act
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 894 Energy Allocation Act
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes
				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 862 Black Lung (923)	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 245 Tort Product Liability	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 290 All Other Real Property	CONSTITUTIONAL	<input type="checkbox"/> 550 Civil Rights	FEDERAL TAX SUITS	
		<input type="checkbox"/> 555 Prison Condition	<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 |
|--|--|--|---|--|---|--|

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
Const. Law § 916, 970

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 refiling of a previously dismissed action.

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

DATE

SIGNATURE OF ATTORNEY OF RECORD

Walter J. Brzowski 8/30/02

TERMED DENLOW

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

CIVIL DOCKET FOR CASE #: 02-CV-6219

Brzowski v. Brzowski
Assigned to: Hon. Ruben Castillo
Demand: \$0,000
Lead Docket: None
Dkt # in Cook Cnty IL Cir Ct : is :01-D -14335

Filed: 09/09/02

Nature of Suit: 440
Jurisdiction: Federal Question

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

LAURA A BRZOWSKI
plaintiff

v.

WALTER J BRZOWSKI
defendant

Walter J Brzowski
[NTC] [PRO SE]
3838 West 124th Street
Alsip, IL 60803
(708) 489-3757

8/30/02 1 RECEIVED COMPLAINT (Attachment) with one copy along with copy of petition for removal from the Circuit Court of Cook County, Illinois, Case No. 01-B-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 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

Exhibit 'A'

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

WALTER J. 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

(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 (708) 233-4400
8200 West 95th STREET
HICKORY HILLS IL 60457

Attorneys (If Known)

JUDGE HOLDEN

COURT

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

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

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)

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	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.	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 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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <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	SOCIAL SECURITY <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))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <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	CIVIL RIGHTS <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	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence 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"/> 720 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	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
--	--	--	---	----------------------------	---	---	--

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 § 1333 (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 DEMAND \$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

Walter J. Brzowski

4/22/03

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

TERMED LEVIN

CIVIL DOCKET FOR CASE #: 03-CV-2685

Brzowski v. Brzowski

Assigned to: Hon. James F. Holderman

Filed: 05/05/03

Demand: \$0,000

Nature of Suit: 440

Lead Docket: None

Jurisdiction: Federal Question

Dkt # in Circuit Court Cook : is 01 D 14335

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

LEVIN, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:03-cv-02685

Brzowski v. Brzowski
Assigned to: Hon. James F. Holderman
Demand: \$0
Case in other court: Circuit Court Cook, 01D 14335
Cause: 28:1441 Petition for Removal- Civil Rights Act

Date Filed: 05/05/2003
Date Terminated: 05/05/2003
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Laura A Brzowski**

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

V.

Defendant**Walter J Brzowski**

represented by **Walter J Brzowski**
Elgin Mental Health Center
750 South State Street
Elgin, IL 60123
(847)429-5730
PRO SE

Date Filed	#	Docket Text
04/22/2003	<u>1</u>	RECEIVED COMPLAINT with two copies. (jmp) (Entered: 04/23/2003)
04/22/2003	<u>2</u>	CIVIL cover sheet. (jmp) (Entered: 04/23/2003)
04/22/2003	<u>3</u>	APPLICATION by defendant to proceed in forma pauperis (jmp) (Entered: 04/23/2003)
04/22/2003	<u>4</u>	SUPPORTING AFFIDAVIT of Walter J. Brzowski of prior violations of rights to affect subject matter jurisdiction (jmp) (Entered: 04/23/2003)
04/22/2003	<u>5</u>	SUPPORTING AFFIDAVIT of Walter J. Brzowski for legal recourse of applicable law. (jmp) (Entered: 04/23/2003)
04/22/2003	<u>6</u>	PRO SE APPEARANCE by defendant. (jmp) (Entered: 04/23/2003)

04/22/2003	<u>7</u>	MOTION by defendant for appointment of counsel . (jmp) (Entered: 04/23/2003)
04/23/2003		FORWARDED entire case file to Judge Holderman. (jmp) (Entered: 04/23/2003)
05/05/2003	<u>8</u>	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) (Entered: 05/06/2003)
05/05/2003	<u>9</u>	ENTERED JUDGMENT (jmp) (Entered: 05/06/2003)
<u>04/18/2005</u>	<u>10</u>	MOTION by Defendant Walter J Brzowski for order of remand back to state court (gma,) (Entered: 04/18/2005)
04/18/2005	<u>11</u>	NOTICE of Motion by Walter J Brzowski for presentment of MOTION by Defendant Walter J Brzowski for order of remand back to state court <u>10</u> before Honorable James F. Holderman on 4/28/2005 at 09:00 AM. (gma,) (Entered: 04/18/2005)
<u>04/28/2005</u>	<u>12</u>	MINUTE entry before Judge James F. Holderman : Defendant Walter J. Brzowski's Motion for order of remand back to state court <u>10</u> is granted. Order case remanded to state court for lack of subject matter jurisdiction. Docketing to mail notice (jmp,) (Entered: 05/02/2005)
06/02/2005	<u>13</u>	TRANSCRIPT of proceedings for the following dates: 4/28/2005; Before the Honorable James F. Holderman (jmp,) (Entered: 06/03/2005)
06/22/2005	<u>14</u>	PETITION by Defendant Walter J Brzowski for writ of mandamus (gma,) (Entered: 06/22/2005)
06/22/2005	<u>15</u>	NOTICE of Motion by Walter J Brzowski for presentment of PETITION by Defendant Walter J Brzowski for writ of mandamus <u>14</u> before Honorable James F. Holderman on 7/7/2005 at 09:00 AM. (gma,) (Entered: 06/22/2005)
07/07/2005	<u>16</u>	MINUTE entry before Judge James F. Holderman: Motion hearing held on 7/7/2005 regarding petition for writ of mandamus <u>14</u> . Petition by defendant for writ of mandamus <u>14</u> is denied. Judicial staff mailed notice (mak,) (Entered: 07/07/2005)
10/22/2007	<u>17</u>	LETTER from Walter J. Brzowski to Judge Holderman dated October 19, 2007 and received by the Court on October 22, 2007. (am) (Entered: 10/23/2007)
10/23/2007	<u>18</u>	MINUTE entry before Judge James F. Holderman : The court has received the letter of Mr. Walter J. Brzowski, dated 10/19/07. That letter has been scanned into the official electronic record <u>17</u> . This Federal Court has no jurisdiction to grant Mr. Brzowski the relief he seeks. Mr. Brzowski's appropriate recourse is through the Illinois State Courts. This case before this Federal Court has been and remains closed. Mailed notice (am) (Entered: 10/23/2007)

FEDERAL STATUTE 28 USC §1447

§ 1447. Procedure after removal generally

- (a) In any case removed from a State court, the district court may issue all necessary orders and process to bring before it all proper parties whether served by process issued by the State court or otherwise.
- (b) It may require the removing party to file with its clerk copies of all records and proceedings in such State court or may cause the same to be brought before it by writ of certiorari issued to such State court.
- (c) A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a) [28 USCS § 1446(a)]. If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded. An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal. A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case.
- (d) An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title [28 USCS § 1443] shall be reviewable by appeal or otherwise.
- (e) If after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court.

(June 25, 1948, ch 646, 62 Stat. 939; May 24, 1949, ch 139, § 84, 63 Stat. 102; July 2, 1964, P. L. 88-352, Title IX, § 901, 78 Stat. 266; Nov. 19, 1988, P. L. 100-702, Title X, § 1016(c), 102 Stat. 4670; Dec. 9, 1991, P. L. 102-198, § 10(b), 105 Stat. 1626; Oct. 1, 1996, P. L. 104-219, § 1, 110 Stat. 3022.)

RECEIVED

APR 18 2005

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

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

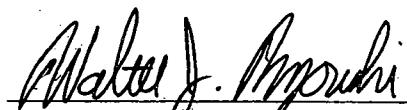
TO: Mrs. Laura A. Brzowski
Plaintiff/Federal Defendant
11557 South Joalyce Drive
Alsip, IL. 60803

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 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

1
2
3
4
5
6
7
8
9
that the State Court has lost such jurisdiction due to the numerous violations of
Walter J. Brzowski's Constitutional Rights, (exhibit 'C'); and,

- 10
11
12
13
14
15
16
17
18
19
20
1) 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,
- 21
22
23
24
25
2) 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,
- 26
27
28
29
30
31
32
33
34
35
36
37
38
39
3) "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,
- 40
41
42
43
44
45
46
47
48
49
50
4) 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,
- 51
52
53
54
55
56
57
58
5) 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,
- 59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
7) 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,
- 80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
3010
3011
3012
3013
3014
3015
3016
3017
3018
3019
3020
3021
3022
3023
3024
3025
3026
3027
3028
3029
3030
3031
3032
3033
3034
3035
3036
3037
3038
3039
3040
3041
3042
3043
3044
3045
3046
3047
3048
3049
3050
3051
3052
3053
3054
3055
3056
3057
3058
3059
3060
3061
3062
3063
3064
3065
3066
3067
3068
3069
3070
3071
3072
3073
3074
3075
3076
3077
3078
3079
3080
3081
3082
3083
3084
3085
3086
3087
3088
3089
3090
3091
3092
3093
3094
3095
3096
3097
3098
3099
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
30688
30699
30700
30711
30722
30733
30744
30755
30766
30777
30788
30799
30800
30811
30822
30833
30844
30855
30866
30877
30888
30899
30900
30911
30922
30933
30944
30955
30966
30977
30988
30999
30100
30111
30122
30133
30144
30155
30166
30177
30188
30199
30200
30211
30222
30233
30244
30255
30266
30277
30288
30299
30300
30311
30322
30333
30344
30355
30366
30377
30388
30399
30400
30411
30422
30433
30444
30455
30466
30477
30488
30499
30500
30511
30522
30533
30544
30555
30566
30577
30588
30599
30600
30611
30622
30633
30644
30655
30666
30677
306

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

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

WHEREFORE, Walter J. Brzowski now respectfully prays for the following to this Federal District Court for relief:

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

ATTESTATION

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

Walter J. Bzowski 4/18/05
Walter J. Bzowski Date

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

LAURA A. BRZOWSKI,)
Plaintiff,)
vs.)
WALTER J. BRZOWSKI,) No. 03 C 2685
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
South Dearborn Street, Room
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.)

13

14

15

16

17

18

19

20

21

22

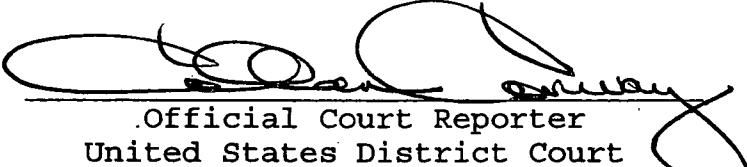
23

24

25

1 C E R T I F I C A T E
2
3
4

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.

10
11 
12 Official Court Reporter
13 United States District Court
14 Northern District of Illinois
15 Eastern Division

5/16/05

16 Date
17
18
19
20
21
22
23
24
25

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DOMESTIC RELATIONS DIVISION

STEVEN M. RAVID
CLERK OF COURT

LAURA A. BRZOWSKI
Petitioner

AND

Walter J. Brzowski
U.S. Natural Citizen

CASE NO. #01 D 14335

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

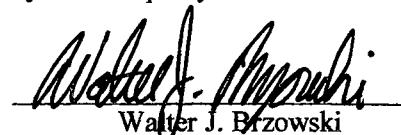
TO: Presiding Judge Moeshe Jacobius
Courtesy Copy #1901
50 West Washington Street
Chicago, IL. 60602

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

Exhibit

Are you legally divorced?

Notice: The pages on this website are published only for the use by current members of **Citizens for Legal Responsibility**, for the purpose of educating them on the published law. It is not intended to give any legal advice; should you need legal advice, contact a registered ethical attorney.

Caselaw for the statements in this series will be provided only to current members.

In all probability, you are not legally divorced. Why? Citizens will be publishing series of articles on why most divorces, at least in Illinois, are not legal.

You may answer that a judge signed the divorce judgment. Yes, the judge may have signed the divorce judgment, but did he have the legal authority to issue a of dissolution of marriage (divorce)?

Our research has indicated that there is not just one general rule that determines the invalidity of a divorce judgment. Each case may be different. The determining factor is the law, a subject that many lawyers and judges, who although they have had the training in law, do not know.

To protect themselves and to deceive the unknowing litigants, judges rule that they have subject-matter jurisdiction even when they do not have it. But a finding by a judge that he has subject-matter jurisdiction does not give him jurisdiction, an inspection of the record of the case provides proof that the record conferred subject-matter jurisdiction upon the judge.

Keep your eye on this series of articles. New and revised information will be provided frequently.

3
4 IN THE CIRCUIT COURT OF COOK COUNTY
5 COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION
6

7 IN RE THE MARRIAGE OF:
8

9 LAURA A. BRZOWSKI
10 Petitioner

11 And

12 WALTER J. BRZOWSKI
13 Respondent

14 Case No. 01 D 14335
15

16 **JUDGEMENT FOR DISSOLUTION OF MARRIAGE**
17

18 This cause coming to be heard on Laura A. Brzowski's Petition For Dissolution Of Marriage,
19 the Petitioner, having appeared in open Court in person and by her attorney, Michael T. Tristano of
20 Tristano & Tristano, Ltd.; the Respondent, Walter J. Brzowski, having been served and having filed
21 his appearance but having failed to appear and thus being in default; the Office of the Public
22 Guardian appearing as Child Representative; the Court, having heard the testimony of the Petitioner
23 in support of the allegations contained in her Petition For Dissolution Of Marriage; and the Court,
24 having considered all the evidence, a certificate of which is filed herein, and further being advised in
25 the premises; the Court makes the following **FINDINGS**:

- 26
1. That the Court has jurisdiction of the parties hereto and the subject matter hereof.
 2. That the Petitioner has been a resident of the State of Illinois for a period of more than ninety
(90) days prior to the filing or hearing of this verified Petition For Dissolution Of Marriage.
 3. That the parties were lawfully married on February 14, 1998, that said marriage was
registered in Cook County, Illinois.
 4. That the Petitioner is 40 years of age; that the Respondent is 45 years of age.
 5. That the parties have one child of this marriage: Eric C. Brzowski, born June 6, 1999; that
Brandon C. Brzowski, born June 16, 1997, has been acknowledged as being the biological child of
Mr. Brzowski. That the parties have not adopted any children and the wife is not pregnant.

1 6. That Laura Brzowski is a fit and proper person to have the care, custody and control of the
2 minor children of the parties; that it is in the best interests of the children of the parties that she be
3 awarded the sole custody of the minor children.

4 7. That any unsupervised visitation by Walter Brzowski with the minor children would seriously
5 endanger the children's mental/emotional well-being and it would not be in the best interest of the
6 children for Walter Brzowski to have unsupervised visitation and said supervision should be by an
7 independent professional.

8 8. That the Court finds that since the marriage of the parties hereto, that without cause or
9 provocation on the part of the Petitioner, the Respondent has been guilty of extreme and repeated
10 mental cruelty toward the Petitioner

11 **'No transcribed, filed proof of this (false) claim into the Common Law Record' by the Petitioner,
12 violating Cook County Circuit Rule #13.7 (a), which #750ILCS 5/401 (a) rejects this Document**

13 **WHEREFORE, ON MOTION OF THE PETITIONER, IT IS ORDERED:**

- 14 1. That a Judgement For Dissolution Of Marriage (commonly known as divorce) is hereby granted
15 to Laura A. Brzowski, Petitioner, and to Walter J. Brzowski, Respondent; that said marriage is
16 hereby dissolved and they are both freed from the bonds and obligations thereof.
- 17 2. That Laura Brzowski is awarded the sole care, custody, control and education of the minor
18 children of the parties.
- 19 3. That Walter Brzowski is awarded professionally supervised visitation with the minor children of
20 the parties at his expense; further, that Walter Brzowski may have telephone visitation with the
21 children; that said telephone conversations shall be monitored by Laura Brzowski who may
22 terminate any call in which Walter Brzowski makes inappropriate comments, but Laura shall not
23 curtail further telephone visitation without order of court; that both parties shall have the right to
24 tape or otherwise record all telephone conversations between Walter Brzowski and the minor
25 children without further notice.
- 26 4. That Walter Brzowski may not be present at the children's day care or school or any other
27 activities, at any time or under any circumstance.
- 28 5. That Brandon Brzowski shall continue with therapy for so long as recommended by the

- therapist.
1. That Walter Brzowski shall pay \$62 per week or 25% of his net income as defined by as defined by 750 ILCS 5/505, whichever is greater, as and for the support of the children of the parties; that in order to insure compliance with this provision Walter Brzowski shall provide copies of his income tax returns within 14 days of their being filed (including any and all: W-2's, 1099s, amendments and schedules) to Laura Brzowski.
2. That Walter Brzowski shall be responsible for one half of all day care costs for the children of the parties and shall pay same directly to Laura on a weekly basis.
3. That the parties shall equally share the cost of health insurance coverage for the children of the parties; that Laura Brzowski shall be responsible for the ordinary uninsured medical costs of the children of the parties; that the parties shall equally share the cost of any uninsured major medical and dental costs of the children of the parties.
4. That Walter Brzowski shall immediately reinstate and maintain his life insurance policy with benefits of \$100,000 naming the children as irrevocable beneficiaries until the younger child reaches the age of 21; further, that Walter Brzowski shall provide proof to Laura Brzowski that such insurance is in full force and effect; that Laura Brzowski shall maintain her current life insurance policy with the children as irrevocable beneficiaries.
5. That all personal property has been divided pursuant to a prior hearing; that each party shall be the sole owner of all property now in their possession, free and clear of any claim or interest of the other party.
6. That any debt incurred by Walter Brzowski subsequent to December 24, 2001, shall be his sole responsibility and Laura Brzowski shall have no liability in relation thereto.
7. That Walter Brzowski shall be responsible for one half or \$1,619.00 of Laura Brzowski's credit card debt of \$3,238.00; that the issue of the allocation of any other debts incurred by Laura Brzowski subsequent to December 24, 2001, is hereby reserved.
8. That the CD of the parties at First suburban National Bank Account # 10006111528, in the approximate amount of \$6,790.00 shall be the sole and separate property of Laura Brzowski, free and clear of any claim or interest of Walter Brzowski.

14. That Walter Brzowski is forever barred from seeking maintenance from Laura Brzowski. That
2 Laura Brzowski waives any claim of maintenance she may have from Walter Brzowski and is
3 forever barred from seeking maintenance from Walter Brzowski.
- 4 15. That the former marital residence of the parties located at 11557 South Joalyce Drive, Alsip,
5 Illinois, the legal description of which is attached hereto and incorporated herein as Exhibit "A,"
6 is awarded to Laura. That Walter within 14 days shall execute a quitclaim deed transferring his
7 interest in the residence to Laura. In the event that Walter fails to transfer said residence to Laura
8 any judge sitting in the Circuit Court of Cook, upon proper notice and motion, shall be entitled
9 to enter a judge's deed transferring the property to Laura
- 10 16. That Laura Brzowski is awarded as her sole property the \$10,000 insurance settlement,
11 including the property settlement from her accident, free and clear of any claim or interest by
12 Walter Brzowski.
- 13 17. That Laura Brzowski is awarded and shall be the sole owner of her pension plan now located
14 Edward Jones, Account # 164-90552-1-5 (in the approximate total amount of \$75,000.00) free
15 and clear of any interest of Walter Brzowski.
- 16 18. That each party shall be entitled to the vehicle they currently operate and each shall execute any
17 documents necessary to transfer their interest to the other.
- 18 19. That Walter Brzowski shall be responsible for all of his own attorney's fees and costs and 75%
20 of Laura Brzowski's attorneys fees of \$31,500.00, said fees for a total of \$23,625.00 to be paid
21 directly to Laura and judgment is entered in said amount in favor of Laura and against Walter..
- 22 20. That the parties shall be equally responsible for the fees and costs of the Child Representative;
23 that each party shall pay \$500.00 to the Child Representative..
- 24 21. That this Court shall retain and reserve jurisdiction of this cause for the express purpose of
25 enforcing all and singular the terms and provisions of the Judgement.
- 26 22. That the wife may resume the use of the name Stang.
27 23. ~~That the Office of the Public Guardian is discharged except for purposes of any appeal.~~
- 28 24. All outstanding petitions are incorporated into this Judgement and any outstanding discovery is
moot.

1 25. A Plenary Order of Protection protecting Laura Brzowski, Brandon Brzowski and Eric Brzowski
2 from Walter Brzowski shall be issued for two years pursuant to a separate Court Order.
3
4
5
6
7

DATED:

JUDGE RAYMONDA FIGUEROA

ENTERED: MAY 20 2003

JUDGE CIRCUIT COURT - 164b

8 This Document is shown to be doubly void due to: A) lack of subject matter jurisdiction;
9 and B) lack of any transcribed filed proof of the (Respondent's marital guilt, *(if any?)*, which
10 cannot be used as a valid 'Instrument' against Walter J. Brzowski in any Court of Law!

11 Michael T. Tristano, Attorney At Law
12 Tristano & Tristano, Ltd. #91564
13 Attorneys For Laura A. Brzowski
14 8200 W. 95th Street
15 Hickory Hills, Illinois 60457
16 (708) 233-4400

17 Our file: S:\Wp51\REVIEW\Michael To Review\Brzowski Judgement 051503.wpd

18 **TRISTANO & TRISTANO, LTD.**
19 8200 W. 95th Street
20 Hickory Hills, IL 60457
21 708.233.4400 ID# 91564

STATE OF ILLINOIS, COUNTY OF COOK
ILLINOIS RECORDER OF DEEDS FOR
REAL PROPERTY
County Clerk Division



0329018062

Doc#: 0329018062
Eugene "Gene" Moore Fee: \$26.50
Cook County Recorder of Deeds
Date: 10/17/2003 10:27 AM Pg: 1 of 1

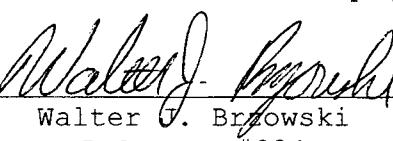
NOTICE OF INTEREST FOR REAL PROPERTY

Walter J. Brzowski now declares and states by just recourse, pursuant to #755ILCS 5/18-1, (if applicable), that Mr. Brzowski attaches an equitable interest in the division of Marital Real Property with co-owner Mrs. Laura A. Brzowski upon the duly described Real Property below:

- 1) Property Address: 11557 South Joalyce Drive, Alsip, IL. 60803
- 2) Legal Description: Lot #250 in Home Craft Subdivision of the Northeast ¼ of the SW ¼ of Section 22, etc, {Four Bedroom, 1.3/4 Bath, Brick Cape Cod dwelling, with detached two car garage}
- 3) Permanent Real Estate Index Number: #24-22-327-007-0000
- 4) Said Real Property has Market Value Price of: \$147,500 as of March 20, 2003
- 5) Mortgage held by: Fifth Third Bank, (presumed)
- 6) Balance of Mortgage owed: "unknown" to Walter J. Brzowski

Walter J. Brzowski being as a certified and rightful co-owner to the above named Real Estate Property, with Mrs. Laura A. Brzowski, states that any infringement of his Rights to the above described Real Property without written consent by him, or by proper due process of Law contained within the Fifth and Fourteenth Constitutional Amendments, and in pursuant to #735ILCS 5/12-204, upon Equal Fairness and Treatment to the applicable Law, will be improper upon his said Rights, and further legalities will be initiated against any or all Violating Party(s).

I, Walter J. Brzowski, certifies that this "Notification" is believed to be true in content and form, and as to where applicable Law(s), and/or recourse is known to factual for proper recourse upon this matter.


Walter J. Brzowski
P.O. Box #934
Worth, IL. 60482

Sworn To Me This Day 16 of

October, 2003


Notary Public

OFFICIAL SEAL
TERRY L ALLABASTRO
NOTARY PUBLIC STATE OF ILLINOIS
EUGENE MOORE RECORDER OF DEEDS FOR COUNTY OF COOK
MY COMMISSION EXP. MAR. 27, 2004

6/13/13 16:00:47 WCCH

Case 1:07-cv-05613 Document # 71 Filed 08/22/12 Page 1 of 1 PageID # 168

UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois - CM/ECF LIVE, Ver 5.03
Eastern Division

Walter J Brzowski

Plaintiff,

v

Case No. 1:07-cv-05613
Executive Committee

Defendant

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, August 22, 2012.

MINUTE TEXT Entry. We the Executive Committee after careful review of the case record, find that this ex parte case lacked merit on and from September 20, 2007 due to the finding of the improper judicial acts committed by the U.S. District court on September 9, 2002, (02 C 6219), and again on May 5, 2003, (03 C 2685), (dismissal over correct certified remand, pursuant to USC 28 S 1446), that directly affected State court case 01 D 14335 of its jurisdiction, which we also find that only the second removal case was procedurally corrected pursuant to USC 28 S 1447(c) on June 22, 2003.

ATTENTION This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov

6/13/13 16:00:47 WCCH

07 C 5613 (Executive Committee)

08/22/2012 68 EXECUTIVE COMMITTEE ORDER: Pending before the Executive Committee is Plaintiff Walter J. Brzowski's "Amended Motion to Dismiss Case No. #07 C 5613", 67. He asks the Executive Committee to dismiss this action, in which the Executive Committee has determined previously that he should be a restricted filer. After reviewing the matter and the circumstances thereof, the Executive Committee grants Brzowski's motion for the following reasons further explained in the Statement section of this Order. The Executive Committee opened this case on September 20, 2007 for the purpose of issuing an order restricting Brzowski from filing in the Northern District of Illinois. (Dkt. No. 1.) After Brzowski filed two more cases without obtaining leave from the Executive Committee, we issued an additional order on September 18, 2008 directing the clerk to destroy any papers submitted by or on behalf of Walter J. Brzowski (Dkt. No. 17 ("Restricted Filer Order").) The Restricted Filer Order has been continued multiple times, most recently until December 17, 2011. (See Dkt. No. 59.) After that date, Brzowski has continued to file motions into the file stating that upon a grave previous error(s) of the Northern District Court upon two developed Removal cases, 02 C 6213 & 03 C 2685 against the Cook County Circuit Court, 01 D 14335, the State County Court still was without jurisdiction to legally operate forward on and since September 4, 2002, (State Court "Notice of Removal" by Brzowski), since we have now concurred with the Northern District Court from April 17, 2007, (Removal case No. 07 C 1504) that the movant State Brzowski did indeed remove his State Court civil action, 01 D 14335, [Brzowski v. Brzowski] pursuant to USC 28 S 1446(d), which he was found to be in compliance thereof. The Northern District Court of Illinois found on April 17, 2007 that there was a 'mistake' by the previous District Court on September 9, 2002, (02 C 6219) to wrongfully dismiss this first of several Removal cases from Brzowski, which conflicts with the Remand Statute pursuant to USC 28 S 1447(c) upon the prior Court's finding of lack of jurisdiction. We, the Executive Committee find, that in agreement with the Northern District Court of Illinois on April 17, 2007, that upon the recognition of a second Removal case performed by movant Brzowski on April 22, 2003, (03 C 2685) against State Court case No. 01 D 14335, and the subsequent "Notice of Removal" into the State Record on same date, such second Removal acted as a loss of jurisdiction again to the State County Civil Court, (Domestic Relations Division) pursuant to the Removal Statute, which the Northern District Court of Illinois again made a crucial error by dismissing the second Removal Case on May 5, 2003, citing 'lack of jurisdiction'. The Remand Statute applicable upon this legal issue, USC 28 S 1447(c) is quite precise and clear upon the Court's finding of lack of jurisdiction upon a removal case is to enter a certified copy of order of remand back to the State court clerk which may thereupon proceed with such case, which exposes this error committed by the Northern District Court a second time. Plaintiff Brzowski has also shown to this Executive Committee previously, as well as onto the Northern District Court on April 17, 2007, that he indeed moved the Court on April 28, 2005, (03 C 2685) exposing the error by the Court on May 5, 2003, which the District Court agreed with movant Brzowski and granted the Docket Text Order of Remand, (non-Certified). Plaintiff Brzowski had shown both to this Executive Committee and the prior District Court of Illinois on April 17, 2007 that the certification to the Remand Order was delayed until June 22, 2005, which was procedurally filed into the State County Record, (01 D 14335) the next day in proper

6/13/13 16:00:48 WCCH

compliance with USC 28 S 1447(c) by the movant Brzowski, that would correlate to reestablish State jurisdiction back upon the Cook County Court. We also have been made aware of by the Northern Federal District Court on April 17, 2007, (07 C 1504) that upon the first Removal case, (02 C 6219) applying the incorrect application on September 9, 2002 by choosing to dismiss the Removal case when the Remand Statute specifically instructs to remand the case back to the State Court upon a finding of lack of jurisdiction, by the absence of any required Certified Copy of Order of Remand subsequent to the September 9, 2002 date, movant Brzowski has provided us with several Case Law precedents that instructs upon the failure of the District Court to render such certified order, the Northern District Court of Illinois still legally retains the removed jurisdiction of State Court case 01 D 14335 on and after the first removal method developed August 30, 2002, and completed by the removing Party's, (Brzowski) filing of "Notice of Removal" into the State Court Record, 01 D. 14335 on September 4, 2002, that would nullify all State Court acts connected to this civil case afterwards. We, the Executive Committee have also concluded that our May 7, 2009 order discussing that upon a removing Party's denial of his filed in forma pauperis petition on September 9, 2002 and again on May 5, 2003 would not affect a proper removal(s) is misapprehended since the Removal Statute 28 S 1446(d) is absent in the taking of filing fees by a moving Party to effectuate such Removal method, and We cannot further find any binding precedent that would concur with our incorrect finding on May 7, 2009 and thus we withdraw our May 7, 2009 order at this point. We, the Executive Committee are now ordering the dismissal of this case against the Plaintiff, Walter J. Brzowski as to remove him from the "Restrictive Filer List", since We have now concluded that Plaintiff Brzowski has sustained his burden of proof to overcome the sanction levied against him on and since the inception of this case, September 20, 2007, allowing him to exercise his Constitutional Right within the venue of the Northern District Court of Illinois in a cogent manner.

IT IS SO ORDERED That case 07 C 5613 is without proper foundation and merit since September 20, 2007, and thus it is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED That Walter J. Brzowski is removed from the "Restrictive Filer List", instanter.

IT IS FURTHER ORDERED That the Clerk shall cause a copy of this order to be mailed to Mr. Brzowski c/o Jacksonville Correctional Center, 2268 East Morton Avenue, Jacksonville, IL. 62650, the current address given by Mr. Brzowski in the papers submitted in August, 2012.

ENTERED: August 22, 2012

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)
Walter J. Brzowski) Civil Action No.
) 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**

Chief Judge

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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

AMENDED 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 January 18, 2017, Walter J. Brzowski submitted documents for filing, and

IT FURTHER APPEARING That on February 9, 2017, the Executive Committee considered and denied Mr. Brzowski leave to file his documents submitted on January 18, 2017, therefore

IT IS HEREBY ORDERED That Mr. Walter J. Brzowski is denied leave to file his documents submitted on January 18, 2017, 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 this order, **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 the Clerk shall cause a copy of this order to be mailed to Mr. Brzowski at #M-29120 c/o: Pontiac Correctional Center, P.O. Box #99, Pontiac, Illinois 61764, the address given by Mr. Brzowski in the papers submitted on January 18, 2017. Such mailing shall be by certified or registered mail, return receipt requested.

ENTER:
FOR THE EXECUTIVE COMMITTEE

Chief Judge

Dated at Chicago, Illinois this 15 day of June, 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)
Walter J. Brzowski) Civil Action No.
) 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 November 19, 2018, Walter J. Brzowski submitted documents for filing, and

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

IT IS HEREBY ORDERED That Mr. Walter J. Brzowski is denied leave to file his documents submitted on November 19, 2018, for lack of jurisdiction, 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 this order, 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 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 on the papers submitted on November 19, 2018. Such mailing shall be by certified or registered mail, return receipt requested.

**ENTER:
FOR THE EXECUTIVE COMMITTEE**

Chief Judge

Dated at Chicago, Illinois this 6th day of December, 2018

PURSUANT TO LAW!

**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 July 15, 2015, Walter J. Brzowski submitted documents for filing, and

IT FURTHER APPEARING That on September 3, 2015, the Executive Committee considered and denied Mr. Brzowski leave to file his documents submitted on June 15, 2015, therefore

IT IS HEREBY ORDERED That Mr. Walter J. Brzowski is denied leave to file his documents submitted on July 15, 2015, 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 this order, and

IT IS FURTHER ORDERED That the Clerk shall cause a copy of this order to be mailed to Mr. Brzowski at c/o Will county Adult Detention Facility, 95 South Chicago Street, Joliet, IL 60436, the address given by Mr. Brzowski in the papers submitted on July 15, 2015. Such mailing shall be by certified or registered mail, return receipt requested.

**ENTER:
FOR THE EXECUTIVE COMMITTEE**

Chief Judge

Dated at Chicago, Illinois this 18th day of September, 2015

PURSUANT TO LAU

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)
Walter Brzowski) Civil Action No.
Plaintiff, *pro se*) 07 C 5613

EXECUTIVE COMMITTEE ORDER

Walter Brzowski has filed nine actions in the Eastern Division; five of them in 2007. Most of the cases were dismissed for failure to state a claim or lack of subject matter jurisdiction.

A Memorandum Opinion and Order in 07 C 3977 reads:

Pro se plaintiff Walter Brzowski is dissatisfied with divorce proceedings (including child custody issues) that have occurred in state court, as well as related orders of protection and criminal prosecutions. Instead of limiting himself to contesting the merits of that litigation in the state court proceedings, plaintiff has made numerous attempts to either directly litigate the state cases in federal court or pursue related litigation in federal court . . . Plaintiff's claims are frivolous.

It is the judgment of the Executive Committee that reasonable and necessary restraints must be imposed upon Mr. Brzowski's ability to file new civil cases in this District *pro se*. Cases in existence prior to the entry of this order are not affected by this order and shall proceed as usual.

IT IS HEREBY ORDERED BY THE EXECUTIVE COMMITTEE in its capacity as the supervisor of the assignment of cases, that

- 1) Mr. Walter Brzowski, or anyone acting on his behalf, is enjoined from filing any new civil action or proceeding in the United States District Court for the Northern District of Illinois without first obtaining leave by way of the following procedures:
 - a) Any materials Mr. Brzowski, or anyone acting on his behalf, wishes to submit for filing shall be delivered to Room 2050, Office of the Clerk at the Courthouse in Chicago. Only the Clerk or deputies specifically designated by the Clerk may accept such documents.
 - b) Where the document submitted is a complaint, it shall be accompanied by a motion captioned "Motion Seeking Leave to File Pursuant to Order of Executive Committee." That motion shall, in addition to requesting leave to file the complaint, include a sworn statement certifying that the claims raised by or on behalf of Mr. Brzowski in the complaint are new claims never before raised in any federal court.

- c) Whenever Mr. Brzowski submits a document for filing, the clerk or designated deputy shall accept the papers, stamp them received, docket them, and forward them to the Executive Committee.
- 2) The Executive Committee will examine any complaints submitted by or on behalf of Mr. Brzowski to determine whether they should be filed.
- 3) If Mr. Brzowski seeks leave to proceed *in forma pauperis*, the Committee will also determine if such leave should be granted. The Committee will deny leave to file any complaints if they are legally frivolous or are merely duplicative of matters already litigated. The Committee may deny leave to file any complaints not filed in conformity with this order.
- 4) If the Executive Committee enters an order denying leave to file the materials, the clerk shall retain the order and an original copy of the materials in the miscellaneous file and cause a copy of the order to be mailed to Mr. Brzowski with any remaining copies of the submitted materials.
- 5) If the Executive Committee enters an order granting leave to file the materials, the clerk will cause the materials to be stamped filed as of the date of the order and shall cause the case to be assigned to a judge in accordance with the rules. The clerk shall also cause a copy of the order to be mailed to Mr. Brzowski.
- 6) Mr. Brzowski's failure to comply with this order may, within the discretion of the Executive Committee, result in his being held in contempt of court and punished accordingly.
- 7) Nothing in this order shall be construed -----
 - a) to affect Mr. Brzowski's ability to defend himself in any criminal action,
 - b) to deny Mr. Brzowski access to the federal courts through the filing of a petition for a writ of habeas corpus or other extraordinary writ, or
 - c) to deny Mr. Brzowski access to the United States Court of Appeals or the United States Supreme Court.

IT IS FURTHER ORDERED That the Clerk shall cause to be created and maintained a miscellaneous file with the title "In the matter of Walter Brzowski" and case number 07 C 5613. The miscellaneous file shall serve as the repository of this order, an original copy of documents proffered for filing by Mr. Brzowski covered by the terms of this order for which authority to file is not granted, and any order or minute order entered pursuant to this order. The Clerk will also maintain a miscellaneous docket associated with the file. All orders retained in the file will be entered on that docket following standard docketing procedures. A brief entry will be made on the docket indicating the receipt of any materials from Mr. Brzowski.

IT IS FURTHER ORDERED That the Clerk shall cause a copy of this order to be mailed to Mr. Brzowski at 6431 S. Karlov Ave., Chicago, Illinois 60629, the address given by Mr. Brzowski in documents received on July 16, 2007. Such mailing shall be by certified or registered mail, return receipt requested.

ENTER:
FOR THE EXECUTIVE COMMITTEE

James E. Holden
Chief Judge

Dated at Chicago, Illinois this 20th day of September, 2007

INCARNATION CHURCH
5757 West 127th Street
Palos Heights, Illinois 60463

This is to Certify that

Walter Brzowski

and

Laura Stang

were united in

Holy Matrimony

according to

the Rite of the Roman Catholic Church and in
conformity with the Laws of the State
of Illinois

On the 14th day of February 1998

William R. Brzowski

Witnesses

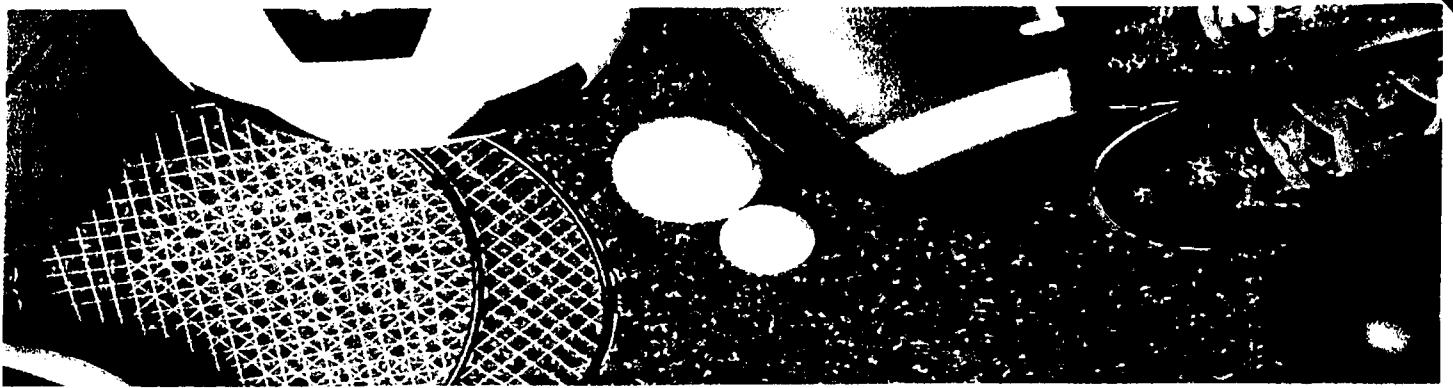
{ Donna Vaughn

By the Rev. Ronald J. Mass

Issued February 14, 1998

Rev. Ronald J. Mass Pastor

THE MISSION PRESS, CHICAGO



Special Olympics

SEASONAL SPORTS TRAINING

WEDNESDAYS, 7 P.M. – 9 P.M.

Age: 13 and over – Free!

Date: Jan.8-March. 25

Rainey Park: 4350 W. 79th, Chicago IL

These free classes are for teens/adults with Intellectual Disabilities who would be interested in getting involved in competitions with Special Olympics.

Join us to find out more about Special Olympics Chicago and all of the amazing sports opportunities out there for your future Special Olympic athlete. Registration paperwork to become an official athlete/coach will be on-site.

Please contact: Liz Clark-Wood or Alex Kerber for more information:

Elizabeth.clark@chicagoparkdistrict.com or
Alex.kerber@chicagoparkdistrict.com or call

312-745-3915

