

No _____

IN THE SUPREME COURT OF THE UNITED STATES

DAVID R JOHNSON -

Petitioner

v

THE STATE OF ILLINOIS, COURT OF CLAIMS et al

Respondents

On Petition For Writ Of Certiorari to the United
States Supreme Court Of Appeal For Illinois Third
Appellate Court -Illinois Supreme Court Affirmed

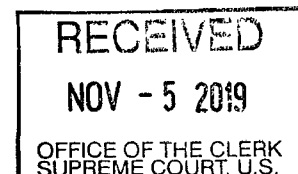
**MOTION DIRECTING THE CLERK TO FILE
THE PETITION OUT-OF-TIME**

To the Honorable John G. Robert, Jr.
Chief Justice of the Supreme Court of the United States

Now Comes the Petitioner, directing the Clerk to file his petition out time as stated by the Clerk in her letter of October 25, 2019, and to transmit this application to individual justices promptly to the Justice concerned, as stated in his APPLICATION TO INDIVIDUAL JUSTICE, mailed on October 21, 2019.

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To the Honorable John G. Robert, Jr. Chief Justice of the Supreme Court of the United States.

1. Pursuant to Rule 13, 22, 30.3 and 33.2, Petitioner David R Johnson, respectfully requests extension of time to file or resubmit his petition for writ of certiorari. It was filed on March 2, 2019, A1, within 90 days after the final order was entry on December 10, 2018, A4. The 2014 mandated required a final order A 43, par1, also see Rule 13.1, 3. The Clerk of this Clerk considered the petition was taken out-of-time A1, but erred in determining the date in which Plaintiff's petition for writ of certiorari was to begin its run, A 1.
2. On September 26, 2018, the State Court of last resort denied Plaintiff's petition for Leave to Appeal, A 20. Plaintiff followed the requirement of the State Court of last resort when he filed his petition for reconsideration to appeal A11, with a petition for leave to file the motion for reconsideration to appeal A 12, together on October 29, 2018, A15-17. The State Court of the last resort entertained and accepted both of Plaintiff's petitions together on October 31, 2018, A 9-14; therefore, if one motion for reconsideration is denied, the other one is also denied.
3. On December 10, 2018, the State Court of last resort entered a final order, denying only Plaintiff's petition for leave to file the motion for reconsideration to appeal, A 6.
4. The Clerk of this Court considered the order issued on September 26, 2018

as the time in which the petition for writ of certiorari was to began its run, not December 10, 2018, when the final order was issued, as stated in the 2014 mandate, and cases 14-1173, A 50. Cases 14-1173, the petition's for certiorari "Jurisdiction" shows this Court allow the petition for writ of certiorari to began its run from November 7, 2014, A 51, when the motion for reconsideration to file was denied, A 52, not when the petition for appeal was denied, A 53.

5. Under Rule 13.3, the time to file a petition for writ of certiorari for all parties runs from the date of the denial of rehearing or if rehearing is granted, the subsequent entry of judgment. Rule 13 does not limit the type of rehearing that's denied, as the Clerk assumed, A1.

6. The time in which the petition for writ of certiorari was to began its run, unless otherwise provided by law, is after entry of judgment, but the order entered on September 26, 2018 was not a final order.

7. Ultimately, based on the 2014 mandate this Court affirmed, which Plaintiff followed, and per rule the Court must also follow the mandate, *Perrin v. Pioneer Nat. Title Ins. Co.*, 108 Ill. App. 3d 181, 182-83, 438 N.E.2d 1359, but the Clerk erred. The order issued on September 26, 2018, cannot be considered as the time in which the petition for writ of certiorari began its run, because it would be premature, not ripe yet, since the decision was not final, as stated in the mandate. A 43, par 1.

8. The order issued September 26, 2018, did not terminate all litigation between the parties, (see the in re Marriage of Gutman, 232 Ill. 2d 145, 151 (2008) (quoting R.W. Dunteman Co. v. C/G Enterprises, Inc 181 Ill. 2d 153 159 (1998)), A 45, par 8. In this case, Plaintiff was required to file the motion for leave and reconsideration after September 26, 2018, for the reconsideration can be accepted, A15-17. Plaintiff first sought appeal on July 18, 2018, A 7, (see en 1569951 and 1539387, also see 21-23.

9. Per 2014 mandate, an appeal cannot be taken before the final order and a certiorari will not lie until final judgment has been entered by the tribunal whose decision is sought to be reviewed, as stated in the mandate A 43, par 1.

10. Since the Plaintiff's motion for reconsideration of order denying petition for leave to appeal required to be attached to and filed with his petition for leave to file a motion for reconsideration to appeal and was accepted together as one motion, A 11-12, and as required, A 15-17. Therefore, when one was denied, both were denied.

11. In this case, the Clerk of the Court was very helpful in pointing Plaintiff in the direction to make his corrections in his petition for writ of certiorari to be accepted by this Court, but the Clerk required Plaintiff to also file a supplemental appendix to include the order of September 26, 2018, with his complaint "so that it may be docket, A 2-3, although the order issued on September 26, 2018, was not the final order and the motion for reconsideration

was filed after September 26, 2018.

12. The Clerk is now stating Plaintiff's petition for writ of certiorari was filed out-of-time, and to he must filed this application directly to the Clerk, since he wishes to proceed; but, the Clerk may have made the same simple error Plaintiff made when he filed his petition for writ of certiorari in the Circuit Court seeking review of his original complaint in 2013, as shown in the mandate, A 43, par 1, where he filed his petition for writ of certiorari premature, A 43 1 and A45, par 8-10.

13. Like Plaintiff's 2013 petition for writ of certiorari, Plaintiff considered the Court's first denial of the case was the time in which the petition for writ of certiorari must be filed, but the Court of Claims gave Plaintiff 30 days leave to amend his complaint, which he did two, days after he filed writ of certiorari, A 44, par 4-5. The Clerk of the Court of Claims accepted the amended complaint, but the Circuit Court found the writ of certiorari premature, since there was no final order issued, A 43, par 1, as this Clerk of the Court have done, A 1.

14. Like Plaintiff in filing his first petition for writ of certiorari review, the Clerk of this Court considers the Court's first denial of the case is the time in which the petition for writ of certiorari must be filed. The Clerk of this Court erred by not considering the pending issues, which was resolved in the final order on December 10, 2018. A 4.

15. In filing an application seeking extension to file, under Rule 13.5, good cause must be shown to extend the period to file, just as the Respondents were required, under Section 790.100 and the Commissioner's order of October 2014 A ___, to show good cause to file late.

16. Under Section 790.100, the Respondents must answer within 60 days after the filing of the Complaint. Their failure to do so, should have subjected the Respondents to default and debar the Respondents from filing any pleading and maintaining any defense, unless good cause was shown and obtained leave of the Court to file, A 39-40, and A 49.

17. There was not conflict in the time in which the Respondents filed and leave of to file was never sought, A 39-40, and A 49. Although there was late filing A 43, par 2-3, and the Court of Claims Judges made a decision in favor of the Respondents' motion, A 44, par 4.

18. In filing an application in this Court for extension of time to file, since there is conflict in the time in which the petition for certiorari review must be sought, this Court may first make it's determine on when the petition for writ of certiorari must be filed and must run from. In the mandate it was determined by final order. A 43, par 1.

19. In determining whether this application for an extension is needed whether; (1) this is an extraordinary circumstance, (2) the extension is or was

sought within the required time, and (3) whether the petition for certiorari was timely filed. If the petition was timely filed, then the application for this extension is moot.

20. In the State Court of last resort, there were two orders issued, one denying the appeal, A 4, which is reviewable, the other denying the reconsideration for the appeal A 20, There was a lot of filing and decision made between these time. Neither of the denials stated reasons for denial, but only one of the denials was a final decision, A 4. Under Rule 13, unless otherwise provided by law, the entry of a judgment or order in any case, or when rehearing is denied, the petition for certiorari review will begin to run for 90 days.

21. Correcting any err and Plaintiff complying with the mandate this Court affirmed and the Rules is just and must be considered.

22. The jurisdiction of this Court will be invoked under 12 U.S.C. sec. 1254(1), due to what may have been a simple err in the Clerk of the Court choosing a premature date in which the run to file the petition was to begin. Plaintiff followed, Rule 13, the 2014 mandate and final decision which was issued in the State Court of last resort Court on December 10, 2018, A 4.

23. The Clerk of Court considered the date of September 26, 2018, as the date in which the filing of the Plaintiff's petition for writ of certiorari must begin, and if filed after 90 days it would be out-of-time.

24. This case presents a substantial and important question of federal laws that arose from Respondents' 2014 mandated late filings in the State's Court of Claims, A 43, par 2-3, that questioned whether Respondents should have been debarred from filing and default judgment issue under Section 790.100, and whether the Court of Claims Judges should have recuse due to bias and conflict of interest. Questions of whether Respondents should have been debarred from filing and default judgment issue under Il. S Ct Rule 181-183, the Circuit Court was also an issue. The 2018 Appellate Court affirmed Plaintiff filed motions (1) to strike the motion to dismiss, (2) for sanctions, and (3) for a default judgment, A 24, but the Circuit Court's determination was not base on the 2014 mandate.

25. In the case before this Court, the Respondents should have been debarred from filing anything since 2011, due to their violation of Section 790.100, A 49. However, due to the Court of Claims' Judges bias, conflict of interest and refusal to recuse, both cases brought by Plaintiff remain pending before the Court of Claims, A 46, par 11, for years, without affording Plaintiff any opportunity to be heard.

26. Plaintiff sought damages against the State of Illinois, and the Attorney General was representing the State, who were the Respondents. These cases arose out of the operation by a Secretary of State employee in a vehicle owned, leased or controlled by the State, 705 ILCS 505/8 (d), and there was no limit in the amount in which the Plaintiff could seek. Plaintiff even provided the

Respondents with a "More Detail Bill of Particulars", and the bill was not stricken 735 ILCS 5/2-612, contested 740 ILCS 45/16 and no objection made, Section 790.200 (c).

27. In one of the cases, the Court of Claims' Judges, names were on the complaint as Respondents, but the Judges chose not to recuse, due to potential and actual conflict of interest or bias, as required, *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868 (2009). Their failure to recuse violates the Fourteenth Amendment of the due process clause, *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868 (2009).

28. In the other case, the Illinois Secretary of State, which is one of the most powerful offices in the State of Illinois, was also named as a Respondent, acting in the capacity as Ex-officio Clerk of the Court of Claims, among other Respondents. The mandate affirmed the Court of Claims' jurisdiction, A 46, par 11.

29. Although the Court of Claims, in their discretion, 705 ILCS 505/16, assigned Commissioners to hear Plaintiff's complaints, the 2014 mandate affirmed the Court of Claims did not recuse and there was actual conflict of interest and bias demonstrated. Plaintiff knew these cases would have to be resolved in this Court.

30. The 2014 mandate affirmed: (1) the original Court of Claims' complaint was filed in 2010, A 43, par 2; (2) Seventy-one days after the complaint's filing,

Respondents moved to dismiss, A 43, par 2; (3) the second complaint was filed on July 26, 2012, A 43, par 3; (4) In October 2012, Johnson moved for a default judgment in both cases, under Section 790.100, A 43, par 3; (5) On February 28, 2013, it was the Court of Claims, not a Commissioner, who dismissed the original complaint, instead of them recusing, A 44, par 4.

31. The late filed motion to dismiss by the Respondents, filed in the original complaint, sought dismissal of the complaint or for Plaintiff to amend his complaint as an alternate A 48. The Court of Claims' Judges chose to allow Plaintiff 30 days to amend his complaint, A 44, par 4. This affirmed the Court of Claims' Judges did not recuse, and they violated the Fourteenth Amendment due process clause, *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868 (2009), since the Judges made that decision. Such action is reviewable by writ of certiorari in Circuit Courting, *Rossetti Contracting Co. v. Court of Claims* (1985), 109 Ill.2d 72, 78-79, 92 Ill.Dec. 521, 523, 485 N.E.2d 332, 334, also see A 45, par 7.

32. The Court of Claims allowing Plaintiff 30 days to amend his complaint, was used as cause to allow the Respondents to answer the amended complaint, although, per Section 790.100, the Respondents would have still been debarred, unless compliance with Section 790.100 was shown.

33. The 2014 mandate affirmed, on March 29, 2013, Plaintiff Johnson timely filed the amended complaint as ordered by the Court of Claims on February 28, 2013, but two days prior to filing the amended complaint, as ordered by the Court

of Claims, Plaintiff filed the first petition for writ of certiorari, A 44. par 4-5, but, in this first certiorari review, ripeness was a subject matter jurisdiction issue, since the Court of Claims still had jurisdiction A 43, par 1.

34. Plaintiff made the same err in determining the time in which the petition for certiorari began its run, just as the Clerk of this Court did.

35. The 2013 certiorari review the Plaintiff sought was not available for the Plaintiff, since there was a final decision made by the Court of Claims. It was not until 2016, after the final order was issued by the Court of Claims, that the certiorari review was available for Plaintiff.

36. The Court of Claims assigned a Commissioner in 2014 to hear Plaintiff's motion addressing Section 790.100, but the Court of Claims' Judges chose to ignore the enforceable decision of the Commissioner, after the Respondents violated the requirement to show good cause and obtain leave of the Court to file, since they failed to file within 60 days after the compliant was filed, A 39-40.

37. The Commissioner affirmed, under Section 790.100, if the Respondents fail to comply with the rule, then they will be held in default and debarred from filing any pleading and maintaining any defense, as required per A 39-40.

38. The Respondents chose not to comply with Plaintiff's request for discovery under S Ct Rule 216, violated Section 790.100 and questioned the 2014 Court of Claims' mandated jurisdiction, without leave to file, in order to evade default

judgment, by arguing the Court of Claims now lacks jurisdiction, although the 2014 mandate was not recalled.

39. The Court of Claims' Judges violated the due process clause of the Fourteenth Amendment again by failing not to recuse and went beyond their jurisdiction by questioning the Circuit and Appellate Court's decision, 705 ILCS 505/8(a)(ii), moreover, the 2014 mandated this Court affirmed.

40. The 2018 Appellate Court affirmed, ultimately, both Court of Claims' complaints were dismissed for failure to state a claim, A 46, despite the 2014 mandated jurisdiction, A 46, par 11, therefore, the complaints cannot be dismissed for failure to state a claim when the motions, per rule, was barred.

41. Also the Respondents failed to show compliance of Section 790.100 and to show jurisdiction was at issue. The Court of Claims' Judges failure to recuse was another due process violation, in both cases, which opened the door to seek certiorari reviews, after final orders were issued.

42. The 2018 Appellate Court also affirmed, in 2016, Plaintiff filed separate petitions for writ of certiorari seeking review of the Court of Claims' decisions. Plaintiff sought judicial review of the Court of Claims' cases; however, the Appellate Court claimed the petition failed to contain any substantive allegations, A 24.

43. Unless subject matter jurisdiction was at issue, the 2014 mandate, which

was attached to the petition for writ of certiorari, affirmed it was the purpose of certiorari, to make that determination on whether the Tribunal proceeded according to applicable law, based on the record alone, A 45, par 7, not on the merits. The Court must also follow the mandate, *Perrin v. Pioneer Nat. Title Ins. Co.*, 108 Ill. App. 3d 181, 182-83, 438 N.E.2d 1359.

44. Since final orders were issued, the Circuit Court has only two powers when confronted with a complaint for common law certiorari, ... mainly, to quash the proceeding or to quash the writ and dismiss the petition”, *People ex rel. Nelson Brothers Storage & Furniture Co. v. Fisher* (1940), 373 Ill. 228, 230, 25 N.E.2d 785, 786. and *Hine v. Roberts* (1923), 309 Ill. 439, 447, 141 N.E. 166, 169. For such issues cannot be tried on allegations contained in the petition or on any facts, except on the record of the proceedings” *Hine v. Roberts* 309 Ill. 439, 447, 141 N.E. 166, 169. Such issue cannot be determined as a matter of law upon the bare allegations of the petition 14 C.J.S. Certiorari § 76, at 111, but from the record alone.

45. Instead of the Respondents first showing compliance of Section 790.100, in the Court of Claims, and now in the certiorari review, they also chose to file late motions to dismiss and appearances in response to Plaintiff's petition for writ of certiorari, but chose to perjure themselves.

46. One of the Attorneys withdrew their late filed appearance, without the replacement Attorney filing their appearance, and they also filed a late filed

motion to dismiss. The Attorney in the other case filed their appearance and motion to dismiss late. The Attorneys in both cases violated Il. S Ct Rule 183-184, and whether Respondent was in compliance with Section 790.100 was never shown.

47. The 2018 Appellate Court affirmed the Respondents filed appearances, not whether the pleading and appearance was in compliance with Il. S Ct Rule 183-184, Section 790.100 or the Commissioner's enforceable order to show good cause and obtain leave of the Court to file.

48. The Respondents' late filed motion, absent good cause and leave to file in their response to the 2016 certiorari review, also questions the 2014 mandated jurisdiction this Court affirmed. The Respondents also violated sanction, under Il .Ct Rule 137, by perjuring themselves in falsely arguing the first certiorari review was dismissed under 735 ILCS 5/2-615(a), A25, and 35, with prejudice, A 25 and 35, without leave to amend, A 44 par 4, or to repleading to cure default, A 24, although the mandate affirmed the Court of Claims gave leave for Plaintiff to file in 30 days A 44, par 4, and cases pending, A 46, par 11.

49. The Circuit and Appellate Court's decision demonstrated bias and conflict of interest. It was based only on the Respondents' false arguments, although per rule they were barred, not the record, the mandate and other applicable laws. They ignored the only enforceable decision, which was by the Commissioner, that the Court of Claims assigned in their discretion. Plaintiff wasn't afforded the

opportunity to be heard as mandated and this is Plaintiff's only and last resort for due process and truth.

50. While Plaintiff understand he have to show more because he's pro se, but he is entitle to the same protection of law, which may require the Respondents to also show compliance of Rules and Law.

51. For the Respondents can be suspended from practicing in this case due to actions unbecoming of a member of the Bar if they failed to just show they have shown good cause and an order showing they obtain leave of the Court to file or compliance, after being afford an opportunity. Such action may be considered as perjury, and an act unbecoming of a member of the Bar, with cause for default as required per rule, for such may be deem just, unless compliance is shown. The Publisher already accepted the book, at the time named, "under color of 14th", base on whatever this Court deem just decision.

Pro se:

Dated October 31, 2018

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CAROLYN TAFT GROSBOLL
Clerk of the Court

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December 10, 2018

FIRST DISTRICT OFFICE
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David R. Johnson
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Chicago, IL 60616

In re: Johnson v. Illinois Court of Claims
123815

Today the following order was entered in the captioned case:

Motion by Petitioner, *pro se*, for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Denied.

Order entered by the Court.

This Court's mandate shall issue forthwith to the Appellate Court, Third District.

Very truly yours,

Carolyn Taft Grosboll

Clerk of the Supreme Court

cc: Appellate Court, Third District
Carl J. Elitz



SUPREME COURT OF ILLINOIS

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September 26, 2018

In re: ... David R. Johnson, petitioner, v. Illinois Court of Claims,
respondent. Leave to appeal, Appellate Court, Third District.
123815

The Supreme Court today DENIED the Petition for Leave to Appeal in the above
entitled cause.

The mandate of this Court will issue to the Appellate Court on 10/31/2018.

Very truly yours,

Carolyn Taff Gasbelle

Clerk of the Supreme Court

No. 3-17-0159
(Consolidated with No. 3-17-0610)

Summary Order filed May 10, 2018

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2018

DAVID R. JOHNSON,)	Appeal from the Circuit Court
)	of the 12th Judicial Circuit,
Plaintiff-Appellant,)	Will County, Illinois,
)	
v.)	Circuit Nos. 16-MR-469 and
)	16-MR-2500
)	
ILLINOIS COURT OF CLAIMS,)	Honorable
)	John C. Anderson,
Defendant-Appellee.)	Judge, Presiding.

JUSTICE McDADE delivered the judgment of the court.
Justices Lytton and O'Brien concurred in the judgment.

SUMMARY ORDER

In 2010, plaintiff, David R. Johnson, filed a complaint in the Court of Claims seeking "\$10,100,000.00" in damages for alleged violations of his rights during a traffic stop in which he was arrested and received a summary suspension of his driver's license. He named as respondents the Kankakee County court clerk, the deceased judge who heard his traffic case, and the Kankakee County State's Attorney. The respondents moved to dismiss the case. Plaintiff filed a motion for default judgment, stating that respondents had failed to respond within 60 days. The motion was denied.

Plaintiff filed a second complaint while the first complaint was pending naming only the State of Illinois, alleging that the Court of Claims erred in allowing the first case to continue when respondents had failed to respond within 60 days. Plaintiff again moved for default judgment on this basis. Ultimately, both Court of Claims complaints were dismissed for failure to state a claim.

In 2016, plaintiff filed separate petitions for writ of *certiorari* seeking review of the Court of Claims decisions, which are the subject of this appeal. The first petition stated that plaintiff sought judicial review of the Court of Claims case, however, the petition failed to contain any substantive allegations. The Court of Claims entered an appearance and a motion to dismiss. In response to the motion to dismiss, plaintiff filed motions (1) to strike the motion to dismiss, (2) for sanctions, and (3) for a default judgment. The circuit court dismissed plaintiff's petition with prejudice pursuant to section 2-615 of the Code of Civil Procedure (Code) (735 ILCS 5/2-615 (West 2016)) for failure to state a claim, stating that repleading would not cure the defects.

Plaintiff's second petition for writ of *certiorari* stated that the Court of Claims was biased against him, respondents had not answered the complaint in a timely manner, respondents failed to respond to his discovery requests, and the motion to dismiss was "filed in bad faith and desperation." The Court of Claims filed a motion to dismiss. Plaintiff again responded by filing motions for default and to strike the motion to dismiss. With the parties present, the court took all pending motions under advisement. The court ultimately dismissed plaintiff's petition with prejudice "pursuant to 735 ILCS 5/2-615, 2-603 and *Reichert v. Court of Claims*, 203 Ill. 2d 257, 261 (2003)," for not alleging a due process violation. Plaintiff now appeals from the dismissal of both *certiorari* petitions.

On appeal, we construe plaintiff's ~~pro se~~ brief to the best of our abilities. It appears that plaintiff is arguing that (1) the circuit court erred in dismissing his *certiorari* petitions, and (2) he should have received *certiorari* through a default judgment. Because plaintiff's petitions did not support its contentions by specific facts or state a due process claim, as is necessary for *certiorari* from a Court of Claims case, we find that the circuit court correctly dismissed the petitions and denied the motions for default.

The court granted the motions to dismiss pursuant to 2-615 of the Code. "A section 2-615 motion to dismiss tests *** whether the allegations of the complaint, when construed in the light most favorable to the plaintiff, state sufficient facts to establish a cause of action upon which relief may be granted." *Chang Hyun Moon v. Kang Jun Liu*, 2015 IL App (1st) 143606, ¶ 11. When ruling on a motion under section 2-615, the circuit court accepts well-pleaded facts as true, but will not "take mere conclusions of law or fact contained within the challenged pleading as true unless they are supported by specific factual allegations." *Id.* Therefore, we must determine whether plaintiff's petitions stated sufficient facts allow *certiorari* review of his Court of Claims complaints.

The Court of Claims Act "provides no method of review of decisions of the Court of Claims." *Reichert*, 203 Ill. 2d at 261. Our supreme court has held that

"*certiorari* is available to address alleged deprivations of due process by the Court of Claims. [Citation.] However, *certiorari* may not be used to review the correctness of a decision by the Court of Claims based upon the merits of the case before it. [Citation.] Requirements of due process are met by conducting an orderly proceeding in which a party receives adequate notice and an opportunity to be heard. [Citation.] Due process is not abridged where a tribunal misconstrues

the law or otherwise commits an error for which its judgment should be reversed.

[Citation.]” *Id.*

Here, plaintiff’s first petition for *certiorari* did not include any allegations or facts, but instead summarily stated that he wanted the circuit court to review the judgment of the Court of Claims. In his second petition, plaintiff raised contentions that (1) the Court of Claims was biased against him, (2) respondents had not answered the complaint in a timely manner, (3) respondents failed to respond to his discovery requests, and (4) the motion to dismiss was “filed in bad faith and desperation.” None of these contentions were supported by any specific factual allegations as is necessary. *Chang Hyun Moon*, 2015 IL App (1st) 143606, ¶ 11. Moreover, none of the contentions provided any showing that plaintiff was denied adequate notice or an opportunity to be heard in the Court of Claims. Stated another way, plaintiff did not allege a due process violation, which is required in order to receive *certiorari*. A writ of *certiorari* is not available to “review the correctness of a decision by the Court of Claims,” which is what plaintiff sought in his petitions. *Reichert*, 203 Ill. 2d at 261. Therefore, the circuit court correctly dismissed plaintiff’s petition. Further, as plaintiff’s petitions failed to state a claim, he was not entitled to a default judgment. See *Suttles v. Vogel*, 126 Ill. 2d 186, 193 (1988) (a default judgment is only available when the pleading state a cause of action).

Plaintiff also raises a series of arguments relating to the merits of his original Court of Claims complaints. On appeal from a dismissal of a case, we only consider the appropriateness of the court’s dismissal; we do not review the merits of the petition for *certiorari*. *Reichert*, 203 Ill. 2d at 261; see also *Hartmann Realtors v. Biffar*, 2014 IL App (5th) 130543, ¶ 14. Therefore, we do not reach plaintiff’s other arguments.

The judgment of the circuit court of Will County is affirmed. This decision is issued in
accordance with Illinois Supreme Court Rule 23(a)(2) (eff. July 1, 2011).

Affirmed.

S

A27

Ex. 37

**Additional material
from this filing is
available in the
Clerk's Office.**