

20-6312  
No.

In the  
**Supreme Court of the United States**

Abdul Mohammed,  
*Petitioner,*

v.

Jorge Alonso et.al,

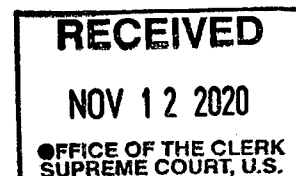
*Respondents.*

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

**PETITION FOR WRIT OF CERTIORARI**

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November 5, 2020



### **QUESTION PRESENTED**

The question presented is:

1) whether a judge has judicial immunity when he/or she presides over a case upon which he/she has no subject matter jurisdiction whatsoever.

## **TABLE OF CONTENTS**

QUESTIONS PRESENTED .....	2
TABLE OF AUTHORITIES.....	5
PETITION FOR WRIT OF CERTIORARI .....	5
OPINIONS BELOW .....	7
JURISDICTION .....	7
CONSTITUTIONAL PROVISIONS INVOLVED .....	7
STATEMENT OF THE CASE .....	7
REASONS FOR GRANTING CERTIORARI .....	7
CONCLUSION .....	8

## **APPENDIX**

### **Appendix A**

Order of the United States Court of  
Appeals for the Seventh Circuit,  
*Mohammed v. Jorge Alonso et.al*, No.  
20-2310 (October 02, 2020) ... App-1

### **Appendix B**

Order of the United District Court  
for the Northern District of Illinois,  
Eastern Division, *Mohammed v.*  
*Jorge Alonso et.al*, No. 20-2310 (June  
29, 2020) ..... App-2

## TABLE OF AUTHORITIES

### Cases

*Bradley v. Fisher*, 80 U.S. 335, 351 (1872) ..... 6,7

### Constitutional Provision

1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendments Right to Freedom of  
Speech of the Constitution of the United States ..... 7

### PETITION FOR WRIT OF CERTIORARI

This case presents one very important question and that is whether a Judge has judicial immunity when he/she presides over a matter upon which he/she has no subject matter jurisdiction whatsoever. In the instant case the District Court and the 7<sup>th</sup> Circuit ruled that a judge has judicial immunity even he/she presides over a matter upon which he/she has no subject matter jurisdiction whatsoever and in doing so District Court and the 7<sup>th</sup> Circuit overruled 148 year old decision of this court in *Bradley v. Fisher*, 80 U.S. 335, 351 (1872), "A judge of a probate court who held a criminal trial would act in clear absence of all jurisdictions over the subject matter, whereas a judge of a criminal court who held a criminal trial for an offense that was not illegal would act merely in excess of his jurisdiction. Id. at 352. This court further ruled in *Bradley v. Fisher*, 80 U.S. 335, 351 (1872), "Thus, if a probate court, invested only with authority over wills and the settlement of estates of deceased persons, should proceed to prosecute parties for public offences, jurisdiction over the subject of offences being entirely wanting in the court, and this being necessarily known to its judge, his commission would afford no protection to him in the exercise of the usurped authority. This court further ruled in *Bradley v. Fisher*, 80 U.S. 335, 351 (1872), "A distinction must be here observed between excess of jurisdiction and the clear absence of all jurisdictions over the subject-matter. Where there is clearly no jurisdiction over the subject-matter any authority exercised is a usurped authority, and for the exercise of such authority, when the want of jurisdiction is known to the judge, no excuse is permissible". The decision of the District Court and the 7<sup>th</sup> Circuit in the instant shuts the door of the court to litigants in

violation of 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendments of the Constitution of the United States.

### **OPINIONS BELOW**

The Oder of the Court of Appeals is reproduced at App. 1-1 and the District Court's Order is reproduced at App 2-3.

### **JURISDICTION**

The Court of Appeals issued its opinion on October 02, 2020. This Court has jurisdiction under 28 U.S.C. § 1254(1).

### **CONSTITUTIONAL PROVISIONS INVOLVED**

1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 14<sup>th</sup> Amendments of the Constitution of the United States.

### **STATEMENT OF THE CASE**

The District Court dismissed the Petitioner's complaint based on the doctrine of judicial immunity. The Petitioner filed a timely appeal. The Petitioner argued that the Judges does not have judicial immunity if they preside over matters upon which they have no jurisdiction whatsoever pursuant to *Bradley v. Fisher*, 80 U.S. 335, 351 (1872) but the 7<sup>th</sup> Circuit did not agreed with the Petitioner and dismissed the appeal.

### **REASONS FOR GRANTING CERTIORARI**

This court has clearly ruled in *Bradley v. Fisher*, 80 U.S. 335, 351 (1872) that the Judges does not have jurisdiction if they preside over matters upon which they have no subject matter jurisdiction whatsoever. 7<sup>th</sup> Circuit has overruled *Bradley v. Fisher*, 80 U.S. 335, 351 (1872) in the instant case. No other court has the right to overrule the decisions of this court.

The overruling of *Bradley v. Fisher*, 80 U.S. 335, 351 (1872) by the 7<sup>th</sup> Circuit is a reason enough for granting of the Petition for Writ of Certiorari.

### CONCLUSION

For the reasons set forth above, this Court should grant the Petition for Certiorari.

Respectfully submitted,

  
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November 5, 2020



**CERTIFICATE OF SERVICE**

I, Abdul Mohammed, the Pro Se Petitioner, hereby certifies that on this 5<sup>th</sup> Day of November 2020, I caused a copy of the Writ for Certiorari of the Petitioner to be served by email on the following Respondents:

annette\_panter@ilnd.uscourts.gov;  
ca07\_frontdesk@ca7.uscourts.gov.

I further certify that all parties required to be served have been served.

Respectfully submitted,

  
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November 5, 2020

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