

November 18, 2021

DOCKET NO. 20-8176

In The
Supreme Court of the United States

On Petition¹ for Rehearing

PETITION² FOR REHEARING

Leslie Willis
P.O. Box 1153, Bowie, MD
Maryland 20718³
lwillis222@yahoo.com

¹ See Also: Petitioner's Petition for Writ of Prohibition at Docket # 21-5833; Petitioner's Petition for Writ of Mandamus at Docket #21-5832; Fed.R.Civ.P.27 Petition to Perpetuate Evidence (District Court for Western District of Pennsylvania (Docket #20-1833); and Petitioner's Petition(s) for Writs of Mandamus for Declaration of Rights.

² Petitioner, proceeding in forma pauperis, does not have adequate funds to print and mail documents. Hence, this document is filed two-pages per sheet. The "ECF" Documents are electronic filings in the District Court for the Western District of Pennsylvania Docket #20-1833.

³ Petitioner's last legal address. At this time, Petitioner is in Pittsburgh, PA. Petitioner is domiciled in Prince George's County Maryland.

QUESTIONS PRESENTED

- 1) Whether the Court should consider this Petition for Rehearing on the May 3, 2021 Petition for Writ of Certiorari (Docket #20-8176) to consider whether the Actions or omissions of a District Court in a 42 U.S.C. 1983 Action persistently thwart or tend to thwart appellate review, obstructing an appeal; and whether such actions or omissions are persistently sanctioned by a United States Court of Appeals.
- 2) Whether this Court should exercise its supervisory powers in aid of appellate jurisdiction, to remove obstacles to an appeal, and/or obstacles to appellate review, in a Section 1983 Action, and in a Fed.R.Civ.P.27 Petition to Perpetuate Evidence.
- 3) Whether the Court should issue a Mandate directed to the Third Circuit Court of Appeals (Docket #19-2094) to Recall a December 10, 2020 Mandate, particularly as to real estate property; *and* issue a Remand to the District Court for the Western District of Pennsylvania (Docket #18-290) (“District Court”) for a decision on a Fed.R.Civ.P. 59 (e) *Amended* Motion for Reconsideration, ECF document No. 217 (and addendum statements at ECF document No. 218 and Exhibits; and ECF document No. 221 and Exhibits), which raises the issue of statute of limitations, fraud, breach of fiduciary duty, and judicial officials aiding and abetting the breach of fiduciary duty; and for review of the Section 1983 requests for relief at ECF document No. 199, all filed in the District Court Action (Distr. Ct. Docket #18-290), which are all omissions by the District Court (See: ECF document No. 207, Memorandum Order) intended to thwart appellate review, obstructing the appeal and the appellate process, and which were sanctioned by the Court of Appeals for the Third Circuit.

LIST OF PARTIES

1. Leslie Willis, Petitioner
2. The Hon. Lawrence J. O'Toole, et al.

RELATED CASES

Petitioner's **'Petition for Writ of Certiorari,'** (Docket #20-8176) was filed on May 3, 2021 and docketed on May 28, 2021. On July 15, 2021, the Petition was Distributed for the September 27, 2021 Conference. On October 4, 2021, an Order was entered denying Certiorari. Petitioner, hereby, files a 'Petition for Rehearing.'

Petitioner's related federal Court Actions include:⁴

1. **Emergency 'Petition for Writ of Mandamus'** to PNC Bank, N.A. and The PNC Financial Services Group, Inc. ("PNC") (S.CT. Docket #21-5832);
2. **Emergency 'Petition for Writ of Prohibition'** to The District Court for the Western District of Pennsylvania (S.CT. Docket #21-5833, See ECF Document No. 161);
3. **Fed.R.Civ.P. 27 Petition to Perpetuate Evidence** Pertaining to "The Trust for Annie Pearl (White) Willis (Distr. Ct. Docket #20-1833);⁵
4. **Appeal in the Court of Appeals for the Third Circuit (CA3 Docket #19-2094)**, from initial section 42 U.S.C. § 1983 Action filed in the District Court for the Western District of Pennsylvania (Distr. Ct. Docket #18-290).
5. **Section 1983 Action in the District Court for the Western District of Pennsylvania** (Distr. Ct. Docket #18-290).

⁴ State Orphans' Court Action: Estate of Annie Pearl Willis, Allegheny County, Pennsylvania, Dept. of Court Records, Wills/Orphans' Court Division (Docket No. 02-11-00397).

⁵ See Also: Petitioner's Petition for Writ of Mandamus Declaring Constitutional Rights to real estate property (ECF Document No. 157); and Petitioner's Petition for Writ of Mandamus Declaring Rights to Trust for Annie Pearl (White) Willis (ECF Document No. 160); and See Also: Second Amended Petition, ECF Document No. 161).

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Appendix B – The Intervening Petitions for Writs of Mandamus and Prohibition Are in Aid of Appellate Court Jurisdiction; District Court Thwarting and Obstructing Appeal.

Appendix C - The Probate Exception Does Not Preclude Federal Court Review of Petitioner's Section 1983 Federal Court Actions.

⁶ The “ECF” Documents are electronic filings in the District Court for the Western District of Pennsylvania Docket #20-1833. Petitioner, proceeding in forma pauperis, does not have adequate funds to print and mail documents.

TABLE OF AUTHORITIES

<i>In re Application of Checkosky</i> , 142 F.R.D. 4, 8 n.2 (D.D.C. 1992) as to a Fed.R.Civ.P. 27 Petition - (“[T]he right to this relief ... does not depend upon the condition of the witness, but upon the situation of the party [petitioner], and [her] power to bring [her] rights to an immediate investigation.”)	16
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OPINIONS BELOW⁷

This Petition for Rehearing is for a review of the following Opinion below:

District Court for the Western District of Pennsylvania (Docket #18-290) – District Judge Memorandum Order (ECF Document No. 207) (See Questions Presented).

Please see also the following intervening⁸ Actions:

1. **Emergency Petition for Writ of Prohibition** to the District Court for the Western District of Pennsylvania (**S. Ct. Docket #21-5833**);
2. **Emergency Petition for Writ of Mandamus** to PNC Bank, the PNC Financial Services Group, Inc. (**S. Ct. Docket #21-5832**);
3. **Petition to Perpetuate Evidence** Pertaining to the Trust for Annie Pearl White Willis,’ pursuant to **Fed.R.Civ.P.27 (District Court for the Western District of Pennsylvania, Docket #20-1833, See: ECF Document No. 161 (and ECF No. 126-2)**.

⁷ Please see the online and electronic filing Petitions filed in this Court and the lower Courts. Petitioner, proceeding in forma pauperis, does not have adequate funds to print and mail documents.

⁸ The May 3, 2021 Petition for Certiorari was distributed on July 15, 2021 for September 27, 2021 Conference, Order entered October 4, 2021 denying Certiorari. The Petition for Writ of Mandamus to PNC, filed August 27, 2021 – pending (Docket #21-5832); Petition for Writ of Prohibition to District Court, filed September 13, 2021 – pending (Docket #21-5833); and Fed.R.Civ.P.27 Petition to Perpetuate Evidence Pertaining to the ‘Trust for Annie Pearl (White) Willis,’ filed November 25, 2020, still pending (District Court Docket #20-1833) - Fed.R.Civ.P. 12(b)(6) Motion to dismiss the Petition was filed on May 10, 2021 (See: Petition for Writ of Prohibition to District Court (Docket #21-5833). On August 16, 2021, Petitioner filed a Brief and Response in Opposition to the Rule 12(B)(6) Motion to Dismiss the Petition (ECF document No. 127; and ECF document No. 127-1). On August 31, 2021, Petitioner filed Objections to the Order at ECF document No. 134 and a reply (ECF document No. 136) to opposing counsel’s opposition to Petitioner’s Motion to Amend Petition. **On October 27, 2021, two days prior to the filing of this Petition, the Hon. Magistrate Judge of the District Court entered a Report and Recommendation (Docket #20-1833 - ECF document No. 153) to the Hon. District Judge, to dismiss the Fed.R.Civ.P.27 Petition to Perpetuate Evidence, with prejudice. At the time of this Petition, October 29, 2021, Petitioner has not yet filed Objections to the Hon. Magistrate Judge Report and Recommendation.**

JURISDICTION

The jurisdiction of this Court is invoked under **28 U. S. C. § 1254(1)**.

The Supreme Court jurisdiction is also invoked, herein, pursuant to:

28 U.S. Code § 1651 — Writs.

The Court's relevant equity powers are also invoked.

CONSTITUTIONAL PROVISIONS

Petitioner's Federal Court Actions involve the following Constitutional provisions pertaining to real estate property:

U.S.C.A. Const. Amend. XIV, § 1- Due Process Clause (Property);

U.S.C.A. Const. Amend. I – Petition Clause - right to Petition the government for redress of grievances;

U.S.C.A. Const. Amend. XIV, § 1- Equal Protection Clause of the Fourteenth Amendment (Section 1) of the United States Constitution.

STATUTORY PROVISIONS

42 Pa. C.S. § 7533 - Construction of documents - Any person interested under a deed, will...may have determined any question ...and obtain a declaration of rights... thereunder.

STATEMENT OF THE CASE

AND NOW, on this 19 November 2021, Petitioner, Leslie Willis, Pro Se, proceeding in forma pauperis, files this '**Petition for Rehearing**' and, respectfully, states the following:

The May 3, 2021 Petition for Writ of Certiorari was filed pursuant to Supreme Court Rule 10(a), where a United States Court of Appeals (i.e. 3rd Circuit) has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power. In Petitioner's Section 1983 Action, the District Court unlawfully repudiated jurisdiction over an *Amended* Motion for Reconsideration, which raises the issue of fraud, statute of limitations, breach of fiduciary duty and the aiding and abetting of that breach, by refusing to hold a Notice of Appeal in abeyance to adjudicate the Motion; and by omitting review of relevant pleadings, including Section 1983 requests for relief (See Question Presented #3 above). The Court of Appeals for the Third Circuit (Docket #19-2094) sanctioned the District Court conduct by unlawfully exercising jurisdiction over the Notice of Appeal, and by omitting review of 'proof of facts' filed in response to a 'Motion for Summary Action of Affirmance' – omission confirmed in the March 2, 2020 opinion - and by issuing the December 10, 2020 Mandate.

Here, the District Court *persists* in obstructing an Appeal in its efforts to thwart a Fed.R.Civ.P.27 perpetuation of evidence, which would be otherwise presented for appellate review (i.e. Declaration of Rights and/or post-judgment Motions in the Court of Appeals) as to whether there has been a violation of Constitutional due process rights to property involving a breach of fiduciary duty and judicial officials aiding and abetting a breach of fiduciary duty. The December 10, 2020 Mandate issued by the Court of Appeals for the Third Circuit (Docket #19-2094) continues to have a controlling effect, sanctioning the

District Court thwarting appellate review and obstructing an Appeal and the appellate process.

Petitioner incorporates here **Appendix B** and, in entirety, the Emergency Petition for Writ of Mandamus (Docket #21-5832); and the Emergency Petition for Writ of Prohibition (Docket #21-5833).⁹ These Petitions are substantial, intervening circumstances in appellate review of the Section 1983 Action (Third Circuit Court of Appeals Docket #19-2094 on Appeal from Distr. Court Docket #18-290). The Petitions are interrelated, and are filed in support of Petitioner's federal Court Actions, including a Petition for Writ in Mandamus Declaring Due Process Constitutional Rights to Real Estate Property, if available in this Court; and/or the post-judgment Motions Petitioner intends to file in the Court of Appeals; and/or in the event of further proceedings in District Court.

The lower Court persistence in conduct intended to thwart appellate review, and to obstruct an Appeal in a Section 1983 Action, so far departs from the accepted and usual course of judicial proceedings, and a Court of Appeals sanction of such a departure, calls for an exercise of this Court's supervisory power. To any extent that the Court of Appeals unlawfully refused to exercise its jurisdiction in the Section 1983 Action, this Court has the power "to compel the lower Courts to exercise a jurisdiction which it had unlawfully repudiated."

⁹ See also, Petitioner's Petition for Writ of Mandamus Declaring Constitutional Rights to real estate property; and Petitioner's Petition for Writ of Mandamus Declaring Rights to 'The Trust for Annie Pearl (White) Willis.'

SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED

Petitioner, an Heir,¹⁰ Legacy, Beneficiary, and Devisee of the Estate of Annie Pearl Willis' has a ***legal right*** to a determination of rights to the 'Trust for Annie Pearl (White) Willis' under the Will, per stirpes,¹¹ of Annie Pearl Willis pursuant to 42 Pa. C.S. § 7533 - Construction of documents.¹² **The 'Trust for Annie Pearl (White) Willis' is an Indian-WWII Military Land Trust involving at least several hundred acres of land and substantial monetary assets.**

Furthermore, the Trust documents (i.e. Safe Deposit Records) are relevant and material in Petitioner's claims as to the real estate in Petitioner's Section 1983 federal Court Action involving Constitutional due process rights to property. For instance, the Trust documents would demonstrate whether the Trust was concealed from Petitioner at the time of the sale of the real estate property interest (e.g. *Noonan*), demonstrating a breach of fiduciary duty, in establishing an aiding and abetting of a breach of fiduciary duty. In the Fed.R.Civ.P. 27 Petition (Distr. Ct. Docket #20-1833), Petitioner has a ***legal right to an immediate determination of rights to the Trust.*** (In *Checkosky*, as to a Fed.R.Civ.P. 27 Petition - "[T]he right to this relief ... does not depend upon the condition of the witness, but upon the situation of the party [petitioner], and [her] power to bring [her] rights to an immediate investigation.' ") *In re Application of Checkosky*, 142 F.R.D. 4, 8 n.2 (D.D.C. 1992)). Thus, Petitioner seeks a remedy in this Court as to the Trust.

¹⁰ See: Declaration of Leslie Willis as an Heir of the Estate of Annie Pearl Willis (District Court Docket # 20-01833 ECF Document No. 124 et seq.; and ECF Document No. 129-2).

¹¹ The probated Will for Estate of Annie Pearl Willis is Per Stirpes pursuant to Pennsylvania Statute 20 Pa.C.S. § 2514.

¹² 42 Pa. C.S. § 7533 - Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise, and obtain a declaration of rights, status, or other legal relations thereunder.

INTERVENING CIRCUMSTANCES OF SUBSTANTIAL AND CONTROLLING EFFECT

Petitioner's 'Petition for Writ of Prohibition to the District Court Western District of Pennsylvania (Docket #21-5833); and Petitioner's 'Petition for Writ of Mandamus to PNC Bank, N.A. and The PNC Financial Services Group, Inc. (Docket #21-5832) are substantial intervening circumstances, and have had a controlling effect in Petitioner's federal Court Actions, including as to whether the District Court may preclude a legal right to a determination of rights to the 'Trust for Annie Pearl (White) Willis' ("Trust"), and whether there would be an opportunity to appeal. Hence, the 'Emergency Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania ("District Court") (Docket #21-5833); an intervening Petition for Writ of Mandamus to PNC Bank, the PNC Financial Services Group, Inc. (Docket #21-5832); and intervening circumstances of a Fed.R.Civ.P.27 Petition to Perpetuate Evidence (District Court Docket #20-1833), all involving a *substantial* Indian-Military Land Trust,¹³ which has been concealed for eleven (11) years; where Petitioner has a legal right to a determination of rights to the Trust. **The Petition to Perpetuate Evidence (e.g. Trust Instrument; and Designated Beneficiary) regarding the Trust is at risk of being dismissed,¹⁴ with prejudice, and would effectively preclude Petitioner's legal right to a determination of rights to the Trust.**¹⁵ Thus, a

¹³ At least several hundred acres of land, and substantial Trust Fund monetary assets. The Indian-Military Land Trust may have been concealed for many years longer than eleven years.

¹⁴ Petitioner, proceeding in forma pauperis, would not have the financial resources to file an Appeal, as the District Court is seeking to deny Petitioner leave to proceed in forma pauperis, while denying a legal right to a determination of rights to the Trust.

¹⁵ The May 3, 2021 Petition for Certiorari was distributed on July 15, 2021 for September 27, 2021 Conference, Order entered October 4, 2021 denying Certiorari. The Petition for Writ of Mandamus to PNC, filed August 27, 2021 – pending (Docket #21-5832); Petition for Writ of Prohibition to District Court, filed September 13, 2021 – pending (Docket #21-5833); and Fed.R.Civ.P.27 Petition to Perpetuate Evidence Pertaining to the 'Trust for Annie Pearl (White) Willis,' filed November 25, 2020, still pending (District Court Docket #20-1833) - Fed.R.Civ.P. 12(b)(6) Motion to dismiss the Petition was filed on May 10, 2021 (See: Petition for Writ of Prohibition to District Court (Docket #21-5833). On August 16, 2021, Petitioner filed a Brief and Response in Opposition to the Rule 12(B)(6) Motion to Dismiss the Petition (ECF No. 127; and ECF No. 127-1). On August 31, 2021, Petitioner filed Objections to the Order at ECF No. 134 and a reply (ECF No. 136) to opposing counsel's opposition to Petitioner's Motion to

dismissal, and moreover, a dismissal with prejudice, in the Fed.R.Civ.P. 27 Action currently pending in the District Court for the Western District of Pennsylvania (Docket #20-1833 – ‘Petition to Perpetuate Evidence Pertaining to ‘The Trust for Annie Pearl White Willis’ (“Trust”)) would deny a legal right.

Furthermore, a dismissal, and moreover, a dismissal with prejudice, of the Fed.R.Civ.P. 27 Petition would thwart appellate review as to whether the Trust documents were withheld from Petitioner at the time of sale of real estate property; and whether there has been a breach of fiduciary duty in the sale of real estate property in violation of constitutional (due process) rights to property; and as to whether judicial and other respondents in a Section 1983 Action have aided and abetted of a breach of fiduciary duty.

The District Court persists in an abuse of power, intended to thwart appellate review of documentary evidence and to obstruct an appeal and the appellate process. This Court has jurisdiction to remove obstacles within its appellate jurisdiction. Also, the appellate authority of this Court “is not confined to the issuance of writs in aid of a jurisdiction already acquired by appeal but extends to those cases which are within its appellate jurisdiction although no appeal has been perfected.” Therefore, this Court should exercise its supervisory power to prevent a dismissal, and a dismissal with prejudice, in the Action currently pending in the District Court for the Western District of Pennsylvania

Amend Petition. On October 27, 2021, two days prior to the filing of this Petition, the Hon. Magistrate Judge of the District Court entered a Report and Recommendation (Docket #20-1833 - ECF document No. 153) to the Hon. District Judge, to dismiss the Fed.R.Civ.P.27 Petition to Perpetuate Evidence, with prejudice. At the time of this Petition, October 29, 2021, Petitioner has not yet filed Objections to the Magistrate Judge a Report and Recommendation.

(Docket #20-1833 – ‘Petition to Perpetuate Evidence Pertaining to ‘The Trust for Annie Pearl White Willis’).¹⁶

THE PROBATE EXCEPTION DOES NOT PRECLUDE FEDERAL COURT REVIEW OF PETITIONER’S SECTION 1983 FEDERAL COURT ACTIONS

Additionally, on grounds not previously presented, Petitioner incorporates here, in entirety her statements made in **Appendix C**, as to Jurisdiction, that the Court of Appeals for the Third Circuit March 2, 2020 Opinion (p.1) (Docket #19-2094) presents Petitioner’s Section 1983 Action as, essentially, a probate matter, indicating that Petitioner’s Section 1983 federal Court Action is probate preclusive. The subject-matter of Petitioner’s Section 1983 federal Court Action(s) are not probate preclusive. To any extent that the Court of Appeals unlawfully refused to exercise its jurisdiction in the Section 1983 Action, this Court has the power “to compel the lower Courts to exercise a jurisdiction which it had unlawfully repudiated.”

¹⁶ Though, disclosure of the Trust via the Fed.R.Civ.P. 27 Petition to perpetuate evidence, where a summary judgment Motion (Rule 12(b)(6) Motion) has been filed, would subject personal financial information to public access. Hence, please see Petitioner’s Petition for Writ of Mandamus to PNC Bank, N.A. and The PNC Financial Services Group, Inc. (Docket #21-5832).

REASONS FOR GRANTING REHEARING

1. Petitioner incorporates the Statement of the Case as stated herein, in entirety.
2. Petitioner is an heir, legacy, beneficiary, and devisee under the Will of Annie Pearl Willis's Estate. Pursuant to 42 Pa. C.S. § 7533, any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise, and obtain a declaration of rights, status, or other legal relations thereunder.
3. The District Court persists in a departure from the accepted and usual course of judicial proceedings and, by the December 10, 2021 Mandate, the Court of Appeals for the Third Circuit continues to sanction the District Court unlawful conduct (i.e. thwarting appellate review and obstructing an Appeal¹⁷).
4. The lower Court persists in disregard of the Rules of Civil Procedure prescribed by this Court (i.e. Fed.R.Civ.P. 27) (Please see: Petitioner's 'Petition for Writ of Prohibition to the District Court Western District of Pennsylvania, Docket #21-5833; and Petitioner's 'Petition for Writ of Mandamus to PNC Bank, N.A. and The PNC Financial Services Group, Inc. ("PNC") Docket #21-5832).
5. In a Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to "The Trust for Annie Pearl White Willis" ("Trust") Docket #20-1833), the lower Court refused to perform a plain ministerial duty of service of process upon the Executrix of the Estate, who has custody, control, and possession of the Trust.

¹⁷ See: Petitioner's 'Petition for Writ of Prohibition to PNC Bank, N.A. and The PNC Financial Services Group, Inc.' ("PNC"), (Docket #21-5833); and Petitioner's 'Petition for Writ of Mandamus to PNC Bank, N.A. and The PNC Financial Services Group, Inc. ("PNC") (Docket #21-5832)

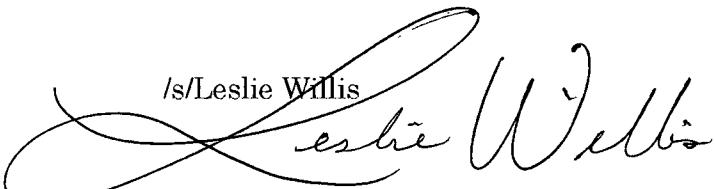
6. The District Court for Western District of Pennsylvania refused to exercise its jurisdiction to review Petitioner's *Amended* Rule 59 motion for Reconsideration (Docket #18-290, ECF No. 217), which is an omission from a District Court Order at or about ECF No. 207, which has thwarted and obstructed appellate review in Petitioner's Appeal to the Court of Appeals for the Third Circuit (Docket #19-2094), where Petitioner raised the issue of fraud; and thwarted appellate review where Petitioner raised the issue of breach of fiduciary duty and the aiding and abetting of that breach (Docket #18-290, ECF document No. 221, p. 19-25; See Also: Petitioner's Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Docket #20-1833, ECF document No. 126-2 or ECF document No. 160).
7. The real estate was unlawfully sold in blatant violation of Petitioner's Constitutional Rights (Due Process Clause; and Petition Clause). Petitioner incorporates, in entirety, her statements made, herein, and otherwise on Record, as to the circumstances, disposition, and sale of the real estate (See: District Court for Western District of Pennsylvania Docket #20-1833, ECF Document No. 157; and ECF Document No. 161); and Petitioner's Petition for Writ of Mandamus Declaring Constitutional Rights to Property).
8. The Executrix for the Estate of Annie Pearl Willis, breached a fiduciary duty in the unauthorized, unlawful sale of the real estate property.¹⁸
9. The Judicial Respondents aided and abetted the repeated unlawful sell of the real estate of the Estate, by refusing to monitor the disposition of the real estate, and by refusing to restrain the sell, and repeated sell, such that the real estate was not in the Court's possession.

¹⁸ Real estate property located in Allegheny County at 267 William Street, Pittsburgh, PA. 15203 (Blk/Lot/Parcel ID # 4-H-229)

10. The Judicial and DCR Respondents aided and abetted a breach of fiduciary duty in refusing to docket Petitioner's in forma pauperis petitions and pleadings.

S. CT. RULE 44.2 CERTIFICATION

I, Petitioner, Leslie Willis, proceeding pro se, in forma pauperis, hereby, certify that, pursuant to S. Ct. Rule 44.2, this 'Petition for Rehearing' is limited to intervening circumstances of substantial or controlling effect, or other substantial grounds not previously presented; and that this Petition for Rehearing is filed in good faith, and not for delay.


/s/Leslie Willis

P.O. Box 1153, Bowie, MD

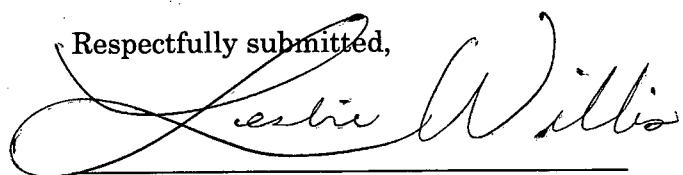
Maryland 20718²⁷

lwillis222@yahoo.com

²⁷ Petitioner's last legal address. At this time, Petitioner is in Pittsburgh, PA. Petitioner is domiciled in Prince George's County Maryland.

CONCLUSION

A Rehearing on the May 3, 2021 Petition for Writ of Certiorari; or a Writ of Mandamus directed to the Court of Appeals for the Third Circuit to Recall the December 10, 2020 Mandate; and/or a Remand to the District Court for the Western District of Pennsylvania should be granted.

Respectfully submitted,


Leslie Willis

/s/Leslie Willis, Petitioner

Date: November 18, 2021

PROOF OF SERVICE

I, Leslie Willis, do swear or declare that on this date, November 18, 2021, as required by Supreme Court Rule 29 I have served the enclosed 'Petition for Rehearing' and Motion for Leave to Proceed In forma Pauperis on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

John Daley (for County Respondents) ([Email](#))

(PA. ID. No. 63279)

Allegheny County Law Department

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445 Fort Pitt Boulevard

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(412) 350-1169

Caroline P. Liebenguth¹⁹ ([Email](#))

(Attorney for Judicial Defendants)

Administrative Office of PA Courts

437 Grant Street, Suite 416

Pittsburgh, PA 15219-6003

The Honorable Judge David S. Cercone (by CM/ECF)

(Docket No. 20-1833)

District Court for the Western District of PA.

700 Grant Street

Joseph F. Weis, Jr.

U.S. Courthouse

Pittsburgh, PA 15219

Jordan M. Webster ([Email](#))

Buchanan Ingersoll & Rooney PC.

Counsel For: For William S. Demchak,
President and Chief Executive Officer
for PNC; and PNC Bank, N.A. and
the PNC Financial Services Group Inc

Union Trust Building

501 Grant Street, Suite 200

Pittsburgh, PA 15219-4413

¹⁹ Pursuant to Fed. R. Civ. Proc. Rule 5 (b) (1): Service: How Made: (1) Serving an Attorney. If a party is represented by an attorney, service under this rule must be made on the attorney unless the court orders service on the party. Caroline P. Liebenguth legal counsel for the Hon. Lawrence J. O'Toole and the Hon. Judge Kathleen A. Durkin.

DOCKET NO. 20-8176

In The

Supreme Court of the United States

On Petition for Rehearing

ORDER

The 'Petition for Rehearing' is, hereby, **GRANTED**.

BY THE COURT _____, J

PETITION FOR REHEARING DOCKET #20-8176
INDEX TO CITATIONS
(BY PAGE #)

All "ECF Document" numbers are electronically filed at District Court for the Western District of Pennsylvania Docket #20-1833 (Unless otherwise indicated).

Page 2 – Questions Presented

42 U.S.C. 1983 (or "Section 1983")

Fed.R.Civ.P.27 Petition (District Court Docket #20-1833)

The following are electronically filed at District Court Docket #18-290:

Fed.R.Civ.P. 59 (e) *Amended* Motion for Reconsideration

ECF document No. 199 Section 1983 Requests for Relief

ECF document No. 207 Memorandum Order

ECF document No. 217 Amended Motion for Reconsideration

ECF document No. 218 Addendum to Motion for Reconsideration (Real Estate)

ECF document No. 221 Addendum to Motion for Reconsideration (Statement of the Case)

Page 3 – Related Cases

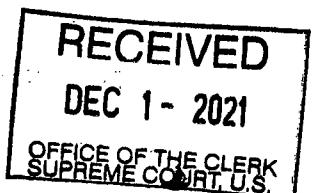
ECF Document No. 161 – Second Amended Petition (See Also: ECF Document No. 126-2)

Footnotes:

ECF Document No. 157 - Petition for Writ of Mandamus Declaring Constitutional Rights to real estate property

ECF Document No. 160 - Petitioner's Petition for Writ of Mandamus Declaring Rights to Trust for Annie Pearl (White) Willis

Docket No. 02-11-00397 - State Orphans' Court Action: Estate of Annie Pearl Willis, Allegheny County, Pennsylvania, Dept. of Court Records, Wills/Orphans' Court Division



**PETITION FOR REHEARING DOCKET #20-8176
INDEX TO CITATIONS
(BY PAGE #)**

All “ECF Document” numbers are electronically filed at District Court for the Western District of Pennsylvania Docket #20-1833 (Unless otherwise indicated).

Page 4 – Appendices

District Court Docket #20-1833 - Petition to Perpetuate Evidence Pertaining to “The Trust for Annie Pearl White Willis’ (“Trust”)

ECF Document No. 160-1 thru ECF Document No. 160-5

ECF Document No. 160-7 Declaration as Heir for 21-5832

ECF Document No. 160-8 Declaration as Heir for 21-5833

Section 1983

Page 6 – Opinions Below (and Intervening Actions)

ECF Document No. 207 - District Judge Memorandum Order

ECF Document No. 161 and ECF Document No. 126-2 – Second Amended Petition

S. Ct. Docket #21-5832 - Petition for Writ of Mandamus to PNC

S. Ct. Docket #21-5833 - Petition for Writ of Prohibition to District Court

Footnotes:

ECF document No. 127; and ECF document No. 127-1 – Response and Brief in opposition to Fed.R.Civ.P. 12(b)(6) Motion to dismiss

Page 8-10; 12; 15 – Constitutional Provisions; Statement of the Case

U.S.C.A. Const. Amend. Xiv, § 1- Due Process Clause

U.S.C.A. Const. Amend. I – Petition Clause - right to Petition the government for redress of grievances

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Fed.R.Civ.P.27 perpetuation of evidence – ECF Document Nos. 27; 126-2; and 161

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ECF Document No. 74 and ECF Document No. 75 - Fed.R.Civ.P. 12(b)(6) Motion to dismiss the Petition, with Prejudice

ECF Document No. 127; and ECF Document No. 127-1 Response and Brief in opposition to Fed.R.Civ.P. 12(b)(6) Motion to Dismiss

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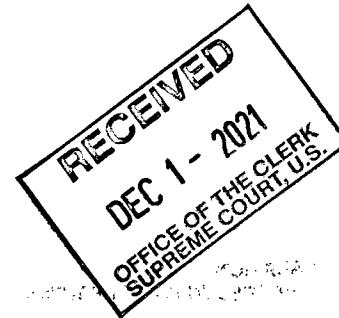
U.S.C.A. Const. Amend. Xiv, § 1- Due Process Clause

U.S.C.A. Const. Amend. I – Petition Clause - right to Petition the government for redress of grievances

42 Pa. C.S. § 7533 - Construction of documents

for: PETITION FOR REHEARING

No. 20-8176



IN THE
SUPREME COURT OF THE UNITED STATES

Leslie Willis — PETITIONER
(Your Name)

VS.

— RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Third Circuit Court of Appeals; Supreme Court U.S.;
District Court Western District of Pennsylvania

Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____, or _____

a copy of the order of appointment is appended.


(Signature)

lw
10-15-2021

lw
10-29-2021

— Petitioner requests a waiver of the 3 (or 10) copies. Petitioner does not have funds, at this time, to print and mail additional copies.

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, Leslie Willis, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor, and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months	Amount expected next month
	Single	Spouse
Employment	\$ <i>0</i>	\$ _____
Self-employment	\$ <i>0</i>	\$ _____
Income from real property (such as rental income)	\$ <i>0</i>	\$ _____
Interest and dividends	\$ <i>0</i>	\$ _____
Gifts	\$ <i>0</i>	\$ _____
Alimony	\$ <i>0</i>	\$ _____
Child Support	\$ <i>0</i>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <i>0</i>	\$ _____
Disability (such as social security, insurance payments)	\$ <i>0</i>	\$ _____
Unemployment payments	\$ <i>0</i>	\$ _____
Public-assistance (such as welfare)	\$ <i>0</i>	\$ _____
Other (specify): <i>None</i>	\$ <i>0</i>	\$ _____
Total monthly income:	\$ <i>0</i>	\$ _____


November 17, 2021

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions)

Employer NOTE Address 1414 Dates of Employment 10/14/ Gross monthly pay \$ 1414

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions) Single.

Employer NOTE Address 1414 Dates of Employment 10/14/ Gross monthly pay \$ 1414

4. How much cash do you and your spouse have & 500 Below, state any money you or your spouse have in bank accounts or in any other financial institution. Single.

Type of account (e.g., checking or savings) NOTE Amount you have \$ 1414 Amount your spouse has \$ 1414

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home Value 1414 Other real estate 1414 Single

Motor Vehicle #1 Stolen Motor Vehicle #2 1414 Year, make & model 10 years old Year, make & model 1414 Value 1414

Rent or home-mortgage payment
(Include lot rented for mobile home)
Are real estate taxes included? Yes No
Is property insurance included? Yes No

Utilities (electricity, heating, fuel,
water, sewer, and telephone)

Home maintenance (repairs and upkeep)

Food 1414 1414

Clothing 1414 1414

Laundry and dry-cleaning 1414 1414

Medical and dental expenses 1414 1414

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money NOTE Amount owed to you \$ 1414 Amount owed to your spouse \$ 1414

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g., J.S. instead of "John Smith").

Name NOTE Relationship 1414 Age 1414

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate. Single.

You 1414 Your spouse 1414

Rent or home-mortgage payment 1414 1414

Utilities (electricity, heating, fuel,
water, sewer, and telephone) 1414 1414

Food 1414 1414

Clothing 1414 1414

Laundry and dry-cleaning 1414 1414

Medical and dental expenses 1414 1414

Other assets 1414 assets are in litigation. None available.
Description SEE: Docket # 1414-20-1833
Value 1414

SEE: District Court Docket # 20-1833

Transportation (net including motor vehicle payments)	<u>\$ 10</u>	<u>\$ 10</u>	<u>Your spouse</u>
Recreation, entertainment, newspapers, magazines, etc.	<u>\$ 10</u>	<u>\$ 10</u>	
Insurance (not deducted from wages or included in mortgage payments)	<u>\$ 10</u>	<u>\$ 10</u>	
Homeowner's or renter's	<u>\$ 10</u>	<u>\$ 10</u>	
Life	<u>\$ 10</u>	<u>\$ 10</u>	
Health	<u>\$ 10</u>	<u>\$ 10</u>	
Motor Vehicle	<u>\$ 10</u>	<u>\$ 10</u>	
Other: <u>N/A</u>	<u>\$ 10</u>	<u>\$ 10</u>	

Taxes (not deducted from wages or included in mortgage payments)

(specify): Not Required To File Taxes

<u>\$ 10</u>	<u>\$ 10</u>	<u>\$ 10</u>
<u>\$ 10</u>	<u>\$ 10</u>	<u>\$ 10</u>
<u>\$ 10</u>	<u>\$ 10</u>	<u>\$ 10</u>
<u>\$ 10</u>	<u>\$ 10</u>	<u>\$ 10</u>
<u>\$ 10</u>	<u>\$ 10</u>	<u>\$ 10</u>
<u>\$ 10</u>	<u>\$ 10</u>	<u>\$ 10</u>

Installment payments

Motor Vehicle

Credit card(s)

Department store(s)

Other: N/A

Alimony, maintenance, and support paid to others
Regular expenses for operation of business, profession, or farm (attach detailed statement)

Other (specify): N/A

Total monthly expenses:

Storage Unit (3x4) \$ 21.35 - Paid N/A borrowed
Food* 20.00 Funds 5.00
Laundry/laundry 5.00 6.35/mo.

* Varies Total @ \$50 per month

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No

If yes, describe on an attached sheet.

SEE: District Court WD PA Case No. 20-1833 (ECC)
Court WPA Case No. 20-1833, Earnings A
Docket # 20-8176
Pending Disclosure of Trust Fund. Exec. 32429
Court WPA Case No. 20-1833, Earnings A
Docket # 20-8176
Pending Disclosure of Trust Fund.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

N/A

11. Have you paid - or will you be paying - anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? N/A

If yes, state the person's name, address, and telephone number:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

ASSETS (incl. Trust Fund Withdrawal (SEE: District Court WPA Case No. 20-1833, Earnings A)
In litigation and withdrawal (SEE: District Court WPA Case No. 20-1833, Earnings A)
I declare under penalty of perjury that the foregoing is true and correct. AND S.C.T. Docket # 20-8176
Executed on: September 17, 2021

(Signature)

Leslie Miller
10/15/2021
10/12/2021

November 17, 2021

LESLIE WILLIS

Direct Contact:

lwillis222@yahoo.com

November 17, 2021

DOCKET # 20-8176

VIA FIRST CLASS MAIL

Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

RE: PETITION FOR REHEARING'

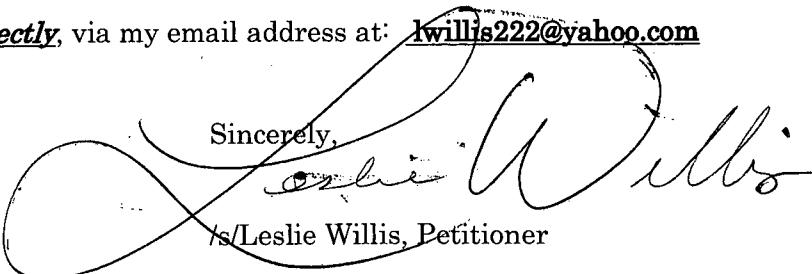
Dear Sir or Madam,

I am writing regarding the October 29, 2021 'Petition for Rehearing' ("Petition") timely filed in this Court (Docket # 20-8176). Please see attached.

The October 29, 2021 'Petition for Rehearing' document was mailed in two separate envelopes, with a delivery date of November 1, 2021. It is my understanding, per the Clerk, that on November 4, 2021, the Petition, presumably containing documents in only one of the envelopes, was returned for lack of the Certification; and that on November 16, 2021, the Petition, presumably containing documents in the second envelope which included the Certification, was returned. Enclosed is the 'Petition for Rehearing' "re-filed,"¹ within 14-days of the November 4, 2021 filing deadline, and within the 15-page limit count, excluding the form pages specified in Rule 33, subparagraph 1(d).

Thank you for your attention regarding these documents. At this time, I am in Pittsburgh. I can be reached, directly, via my email address at: lwillis222@yahoo.com

Sincerely,


/s/ Leslie Willis, Petitioner

¹ At this time, I am proceeding in forma pauperis, and I do not have adequate funds to print and mail documents. Hence, the 'Petition for Rehearing' document is filed two-pages per sheet.

DOCKET NO. 20-8176

In The

Supreme Court of the United States

On Petition¹ for Rehearing

PETITION² FOR REHEARING

Leslie Willis
P.O. Box 1153, Bowie, MD
Maryland 20718³
lwillis222@yahoo.com

- 1) Whether the Court should consider this Petition for Rehearing on the May 3, 2021 Petition for Writ of Certiorari (Docket #20-8176) to consider whether the Actions or omissions of a District Court in a 42 U.S.C. 1983 Action persistently thwart or tend to thwart appellate review, obstructing an appeal; and whether such actions or omissions are persistently sanctioned by a United States Court of Appeals.
- 2) Whether this Court should exercise its supervisory powers in aid of appellate jurisdiction, to remove obstacles to an appeal, and/or obstacles to appellate review, in a Section 1983 Action, and in a Fed.R.Civ.P.27 Petition to Perpetuate Evidence.
- 3) Whether the Court should issue a Mandate directed to the Third Circuit Court of Appeals (Docket #19-2094) to Recall a December 10, 2020 Mandate, particularly as to real estate property; and issue a Remand to the District Court for the Western District of Pennsylvania (Docket #18-290) ("District Court") for a decision on a Fed.R.Civ.P. 59 (e) *Amended Motion for Reconsideration*, ECF document No. 217 (and addendum statements at ECF document No. 218 and Exhibits; and ECF document No. 221 and Exhibits), which raises the issue of statute of limitations, fraud, breach of fiduciary duty, and judicial officials aiding and abetting the breach of fiduciary duty; and for review of the Section 1983 requests for relief at ECF document No. 199, all filed in the District Court Action (Distr. Ct. Docket #18-290), which are all omissions by the District Court (See: ECF document No. 207, Memorandum Order) intended to thwart appellate review, obstructing the appeal and the appellate process, and which were sanctioned by the Court of Appeals for the Third Circuit.

LIST OF PARTIES

¹ See Also: Petitioner's Petition for Writ of Prohibition at Docket # 21-5833; Petitioner's Petition for Writ of Mandamus at Docket #21-5832; Fed.R.Civ.P.27 Petition to Perpetuate Evidence (District Court for Western District of Pennsylvania (Docket #20-1833); and Petitioner's Petition(s) for Writs of Mandamus for Declaration of Rights.

² Petitioner, proceeding in forma pauperis, does not have adequate funds to print and mail documents. Hence, this document is filed two-pages per sheet. The "ECF" Documents are electronic filings in the District Court for the Western District of Pennsylvania Docket #20-1833.

³ Petitioner's last legal address. At this time, Petitioner is in Pittsburgh, PA. Petitioner is domiciled in Prince George's County Maryland.

1. Leslie Willis, Petitioner
2. The Hon. Lawrence J. O'Toole, et al.

RELATED CASES

Petitioner's Petition for Writ of Certiorari,⁴ (Docket #20-8176) was filed on May 3, 2021 and docketed on May 28, 2021. On July 15, 2021, the Petition was Distributed for the September 27, 2021 Conference. On October 4, 2021, an Order was entered denying Certiorari. Petitioner, hereby, files a 'Petition for Rehearing.'

Petitioner's related federal Court Actions include:⁵

1. Emergency Petition for Writ of Mandamus to PNC Bank, N.A. and The PNC Financial Services Group, Inc. ("PNC") (S.CT. Docket #21-5832);
2. Emergency Petition for Writ of Prohibition to The District Court for the Western District of Pennsylvania (S.CT. Docket #21-5833, See ECF Document No. 161);
3. Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to 'The Trust for Annie Pearl (White) Willis (Distr. Ct. Docket #20-1833);⁵
4. Appeal in the Court of Appeals for the Third Circuit (CA3 Docket #19-2094), from initial section 42 U.S.C. § 1983 Action filed in the District Court for the Western District of Pennsylvania (Distr. Ct. Docket #18-290).
5. Section 1983 Action in the District Court for the Western District of Pennsylvania (Distr. Ct. Docket #18-290).

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Appendix A -Declaration of Leslie Willis as an Heir of the Estate of Annie Pearl Willis (with Certificates and Probated Will) (S.CT. Docket #21-5833, ECF Document No. 160-1 thru ECF Document No. 160-5, and ECF Document No. 167).

Appendix B - The Intervening Petitions for Writs of Mandamus and Prohibition Are in Aid of Appellate Court Jurisdiction: District Court Thwarting and Obstructing Appeal.

Appendix C - The Probate Exception Does Not Preclude Federal Court Review of Petitioner's Section 1983 Federal Court Actions.

⁴ State Orphans' Court Action: Estate of Annie Pearl Willis, Allegheny County, Pennsylvania, Dept. of Court Records, Wills/Orphans' Court Division (Docket No. 02-11-00397).

⁵ See Also: Petitioner's Petition for Writ of Mandamus Declaring Constitutional Rights to real estate property (ECF Document No. 157); and Petitioner's Petition for Writ of Mandamus Declaring Rights to Trust for Annie Pearl (White) Willis (ECF Document No. 160); and See Also: Second Amended Petition, ECF Document No. 161.

⁶ The "ECF" Documents are electronic filings in the District Court for the Western District of Pennsylvania Docket #20-1833. Petitioner, proceeding in forma pauperis, does not have adequate funds to print and mail documents.

TABLE OF AUTHORITIES

<i>In re Application of Checkosky</i> , 142 F.R.D. 4, 8 n.2 (D.D.C. 1992) as to a Fed.R.Civ.P. 27 Petition - (“[T]he right to this relief ... does not depend upon the condition of the witness, but upon the situation of the party [petitioner], and [her] power to bring [her] rights to an immediate investigation.”)	16
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OPINIONS BELOW⁷

This Petition for Rehearing is for a review of the following Opinion below:

District Court for the Western District of Pennsylvania (Docket #18-290) – District Judge Memorandum Order (ECF Document No. 207) (See Questions Presented).

Please see also the following intervening⁸ Actions:

1. Emergency Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania (S. Ct. Docket #21-5833);
2. Emergency Petition for Writ of Mandamus to PNC Bank, the PNC Financial Services Group, Inc. (S. Ct. Docket #21-5832);
3. Petition to Perpetuate Evidence Pertaining to the Trust for Annie Pearl White Willis,' pursuant to Fed.R.Civ.P.27 (District Court for the Western District of Pennsylvania, Docket #20-1833, See: ECF Document No. 161 (and ECF No. 126-2).

⁷ Please see the online and electronic filing Petitions filed in this Court and the lower Courts. Petitioner, proceeding in forma pauperis, does not have adequate funds to print and mail documents.

⁸ The May 3, 2021 Petition for Certiorari was distributed on July 15, 2021 for September 27, 2021 Conference, Order entered October 4, 2021 denying Certiorari. The Petition for Writ of Mandamus to PNC, filed August 27, 2021 – pending (Docket #21-5832); Petition for Writ of Prohibition to District Court, filed September 13, 2021 – pending (Docket #21-5833); and Fed.R.Civ.P.27 Petition to Perpetuate Evidence Pertaining to the 'Trust for Annie Pearl (White) Willis,' filed November 25, 2020, still pending (District Court Docket #20-1833) - Fed.R.Civ.P. 12(b)(6) Motion to dismiss the Petition was filed on May 10, 2021 (See: Petition for Writ of Prohibition to District Court (Docket #21-5833). On August 16, 2021, Petitioner filed a Brief and Response in Opposition to the Rule 12(b)(6) Motion to Dismiss the Petition (ECF document No. 127; and ECF document No. 127-1). On August 31, 2021, Petitioner filed Objections to the Order at ECF document No. 134 and a reply (ECF document No. 136) to opposing counsel's opposition to Petitioner's Motion to Amend Petition. On October 27, 2021, two days prior to the filing of this Petition, the Hon. Magistrate Judge of the District Court entered a Report and Recommendation (Docket #20-1833 - ECF document No. 153) to the Hon. District Judge, to dismiss the Fed.R.Civ.P.27 Petition to Perpetuate Evidence, with prejudice. At the time of this Petition, October 29, 2021, Petitioner has not yet filed Objections to the Hon. Magistrate Judge Report and Recommendation.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

The Supreme Court jurisdiction is also invoked, herein, pursuant to:

28 U.S. Code § 1651 — Writs.

The Court's relevant equity powers are also invoked.

CONSTITUTIONAL PROVISIONS

Petitioner's Federal Court Actions involve the following Constitutional provisions pertaining to real estate property:

U.S.C.A. Const. Amend. XIV, § 1- Due Process Clause (Property);

U.S.C.A. Const. Amend. I – Petition Clause - right to Petition the government for redress of grievances;

U.S.C.A. Const. Amend. XIV, § 1- Equal Protection Clause of the Fourteenth Amendment (Section 1) of the United States Constitution.

STATUTORY PROVISIONS

42 Pa. C.S. § 7533 - Construction of documents - Any person interested under a deed, will... may have determined any question ... and obtain a declaration of rights... thereunder.

STATEMENT OF THE CASE

AND NOW, on this 18 November 2021, Petitioner, Leslie Willis, Pro Se, proceeding in forma pauperis, files this 'Petition for Rehearing' and, respectfully, states the following:

The May 3, 2021 Petition for Writ of Certiorari was filed pursuant to Supreme Court Rule 10(a), where a United States Court of Appeals (i.e. 3rd Circuit) has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power. In Petitioner's Section 1983 Action, the District Court unlawfully repudiated jurisdiction over an *Amended Motion for Reconsideration*, which raises the issue of fraud, statute of limitations, breach of fiduciary duty and the aiding and abetting of that breach, by refusing to hold a Notice of Appeal in abeyance to adjudicate the Motion; and by omitting review of relevant pleadings, including Section 1983 requests for relief (See Question Presented #3 above). The Court of Appeals for the Third Circuit (Docket #19-2094) sanctioned the District Court conduct by unlawfully exercising jurisdiction over the Notice of Appeal, and by omitting review of 'proof of facts' filed in response to a 'Motion for Summary Action of Affirmance' – omission confirmed in the March 2, 2020 opinion - and by issuing the December 10, 2020 Mandate.

Here, the District Court *persists* in obstructing an Appeal in its efforts to thwart a Fed.R.Civ.P.27 perpetuation of evidence, which would be otherwise presented for appellate review (i.e. Declaration of Rights and/or post-judgment Motions in the Court of Appeals) as to whether there has been a violation of Constitutional due process rights to property involving a breach of fiduciary duty and judicial officials aiding and abetting a breach of fiduciary duty. The December 10, 2020 Mandate issued by the Court of Appeals for the Third Circuit (Docket #19-2094) continues to have a controlling effect, sanctioning the

District Court thwarting appellate review and obstructing an Appeal and the appellate process.

Petitioner incorporates here Appendix B and, in entirety, the Emergency Petition for Writ of Mandamus (Docket #21-5832); and the Emergency Petition for Writ of Prohibition (Docket #21-5833).⁹ These Petitions are substantial, intervening circumstances in appellate review of the Section 1983 Action (Third Circuit Court of Appeals Docket #19-2094 on Appeal from Distr. Court Docket #18-290). The Petitions are interrelated, and are filed in support of Petitioner's federal Court Actions, including a Petition for Writ in Mandamus Declaring Due Process Constitutional Rights to Real Estate Property, if available in this Court; and/or the post-judgment Motions Petitioner intends to file in the Court of Appeals; and/or in the event of further proceedings in District Court.

The lower Court persistence in conduct intended to thwart appellate review, and to obstruct an Appeal in a Section 1983 Action, so far departs from the accepted and usual course of judicial proceedings, and a Court of Appeals sanction of such a departure, calls for an exercise of this Court's supervisory power. To any extent that the Court of Appeals unlawfully refused to exercise its jurisdiction in the Section 1983 Action, this Court has the power "to compel the lower Courts to exercise a jurisdiction which it had unlawfully repudiated."

⁹ See also, Petitioner's Petition for Writ of Mandamus Declaring Constitutional Rights to real estate property; and Petitioner's Petition for Writ of Mandamus Declaring Rights to 'The Trust for Annie Pearl (White) Willis.'

SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED

Petitioner, an Heir,¹⁰ Legacy, Beneficiary, and Devisee of the Estate of Annie Pearl Willis' has a *legal right* to a determination of rights to the 'Trust for Annie Pearl (White) Willis' under the Will, per stirpes,¹¹ of Annie Pearl Willis pursuant to 42 Pa. C.S. § 7533 - Construction of documents.¹² The 'Trust for Annie Pearl (White) Willis' is an Indian-WWII Military Land Trust involving at least several hundred acres of land and substantial monetary assets.

Furthermore, the Trust documents (i.e. Safe Deposit Records) are relevant and material in Petitioner's claims as to the real estate in Petitioner's Section 1983 federal Court Action involving Constitutional due process rights to property. For instance, the Trust documents would demonstrate whether the Trust was concealed from Petitioner at the time of the sale of the real estate property interest (e.g. *Noonan*), demonstrating a breach of fiduciary duty, in establishing an aiding and abetting of a breach of fiduciary duty. In the Fed.R.Civ.P. 27 Petition (Distr. Ct. Docket #20-1833), Petitioner has a *legal right to an immediate determination of rights to the Trust*. (In *Checkosky*, as to a Fed.R.Civ.P. 27 Petition - ("[T]he right to this relief ... does not depend upon the condition of the witness, but upon the situation of the party [petitioner], and [her] power to bring [her] rights to an immediate investigation.")) *In re Application of Checkosky*, 142 F.R.D. 4, 8 n.2 (D.C. 1992)). Thus, Petitioner seeks a remedy in this Court as to the Trust.

¹⁰ See: Declaration of Leslie Willis as an Heir of the Estate of Annie Pearl Willis (District Court Docket # 20-01833 ECF Document No. 124 et seq.; and ECF Document No. 129-2).

¹¹ The probated Will for Estate of Annie Pearl Willis is Per Stirpes pursuant to Pennsylvania Statute 20 Pa.C.S. § 2514.

¹² 42 Pa. C.S. § 7533 - Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise, and obtain a declaration of rights, status, or other legal relations thereunder.

INTERVENING CIRCUMSTANCES OF SUBSTANTIAL AND CONTROLLING EFFECT

Petitioner's 'Petition for Writ of Prohibition to the District Court Western District of Pennsylvania (Docket #21-5833); and Petitioner's 'Petition for Writ of Mandamus to PNC Bank, N.A. and The PNC Financial Services Group, Inc. (Docket #21-5832) are substantial intervening circumstances, and have had a controlling effect in Petitioner's federal Court Actions, including as to whether the District Court may preclude a legal right to a determination of rights to the 'Trust for Annie Pearl (White) Willis' ("Trust"), and whether there would be an opportunity to appeal. Hence, the 'Emergency Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania ("District Court") (Docket #21-5833); an intervening Petition for Writ of Mandamus to PNC Bank, the PNC Financial Services Group, Inc. (Docket #21-5832); and intervening circumstances of a Fed.R.Civ.P.27 Petition to Perpetuate Evidence (District Court Docket #20-1833), all involving a *substantial* Indian-Military Land Trust,¹³ which has been concealed for eleven (11) years; where Petitioner has a legal right to a determination of rights to the Trust. The Petition to Perpetuate Evidence (e.g. Trust Instrument; and Designated Beneficiary) regarding the Trust is at risk of being dismissed,¹⁴ with prejudice, and would effectively preclude Petitioner's legal right to a determination of rights to the Trust.¹⁵ Thus, a

¹³ At least several hundred acres of land, and substantial Trust Fund monetary assets. The Indian-Military Land Trust may have been concealed for many years longer than eleven years.

¹⁴ Petitioner, proceeding in forma pauperis, would not have the financial resources to file an Appeal, as the District Court is seeking to deny Petitioner leave to proceed in forma pauperis, while denying a legal right to a determination of rights to the Trust.

¹⁵ The May 3, 2021 Petition for Certiorari was distributed on July 15, 2021 for September 27, 2021 Conference, Order entered October 4, 2021 denying Certiorari. The Petition for Writ of Mandamus to PNC, filed August 27, 2021 – pending (Docket #21-5832); Petition for Writ of Prohibition to District Court, filed September 13, 2021 – pending (Docket #21-5833); and Fed.R.Civ.P.27 Petition to Perpetuate Evidence Pertaining to the 'Trust for Annie Pearl (White) Willis,' filed November 25, 2020, still pending (District Court Docket #20-1833) - Fed.R.Civ.P. 12(b)(6) Motion to dismiss the Petition was filed on May 10, 2021 (See: Petition for Writ of Prohibition to District Court (Docket #21-5833). On August 16, 2021, Petitioner filed a Brief and Response in Opposition to the Rule 12(b)(6)

dismissal, and moreover, a dismissal with prejudice, in the Fed.R.Civ.P. 27 Action currently pending in the District Court for the Western District of Pennsylvania (Docket #20-1833 – 'Petition to Perpetuate Evidence Pertaining to 'The Trust for Annie Pearl White Willis' ("Trust")) would deny a legal right.

Furthermore, a dismissal, and moreover, a dismissal with prejudice, of the Fed.R.Civ.P. 27 Petition would thwart appellate review as to whether the Trust documents were withheld from Petitioner at the time of sale of real estate property; and whether there has been a breach of fiduciary duty in the sale of real estate property in violation of constitutional (due process) rights to property; and as to whether judicial and other respondents in a Section 1983 Action have aided and abetted of a breach of fiduciary duty.

The District Court persists in an abuse of power, intended to thwart appellate review of documentary evidence and to obstruct an appeal and the appellate process. This Court has jurisdiction to remove obstacles within its appellate jurisdiction. Also, the appellate authority of this Court "is not confined to the issuance of writs in aid of a jurisdiction already acquired by appeal but extends to those cases which are within its appellate jurisdiction although no appeal has been perfected." Therefore, this Court should exercise its supervisory power to prevent a dismissal, and a dismissal with prejudice, in the Action currently pending in the District Court for the Western District of Pennsylvania

Motion to Dismiss the Petition (ECF No. 127; and ECF No. 127-1). On August 31, 2021, Petitioner filed Objections to the Order at ECF No. 134 and a reply (ECF No. 136) to opposing counsel's opposition to Petitioner's Motion to Amend Petition. On October 27, 2021, two days prior to the filing of this Petition, the Hon. Magistrate Judge of the District Court entered a Report and Recommendation (Docket #20-1833 - ECF document No. 153) to the Hon. District Judge, to dismiss the Fed.R.Civ.P.27 Petition to Perpetuate Evidence, with prejudice. At the time of this Petition, October 29, 2021, Petitioner has not yet filed Objections to the Magistrate Judge a Report and Recommendation.

(Docket #20-1833 – Petition to Perpetuate Evidence Pertaining to 'The Trust for Annie Pearl White Willis').¹⁶

THE PROBATE EXCEPTION DOES NOT PRECLUDE FEDERAL COURT REVIEW OF PETITIONER'S SECTION 1983 FEDERAL COURT ACTIONS

Additionally, on grounds not previously presented, Petitioner incorporates here, in entirety her statements made in **Appendix C**, as to Jurisdiction, that the Court of Appeals for the Third Circuit March 2, 2020 Opinion (p.1) (Docket #19-2094) presents Petitioner's Section 1983 Action as, essentially, a probate matter, indicating that Petitioner's Section 1983 federal Court Action is probate preclusive. The subject-matter of Petitioner's Section 1983 federal Court Action(s) are not probate preclusive. To any extent that the Court of Appeals unlawfully refused to exercise its jurisdiction in the Section 1983 Action, this Court has the power "to compel the lower Courts to exercise a jurisdiction which it had unlawfully repudiated."

REASONS FOR GRANTING REHEARING

1. Petitioner incorporates the Statement of the Case as stated herein, in entirety.
2. Petitioner is an heir, legacy, beneficiary, and devisee under the Will of Annie Pearl Willis's Estate. Pursuant to 42 Pa. C.S. § 7533, any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise, and obtain a declaration of rights, status, or other legal relations thereunder.
3. The District Court persists in a departure from the accepted and usual course of judicial proceedings and, by the December 10, 2021 Mandate, the Court of Appeals for the Third Circuit continues to sanction the District Court unlawful conduct (i.e. thwarting appellate review and obstructing an Appeal¹⁷).
4. The lower Court persists in disregard of the Rules of Civil Procedure prescribed by this Court (i.e. Fed.R.Civ.P. 27) (Please see: Petitioner's 'Petition for Writ of Prohibition to the District Court Western District of Pennsylvania, Docket #21-5833; and Petitioner's 'Petition for Writ of Mandamus to PNC Bank, N.A. and The PNC Financial Services Group, Inc. ("PNC") Docket #21-5832).
5. In a Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to "The Trust for Annie Pearl White Willis' ("Trust") Docket #20-1833), the lower Court refused to perform a plain ministerial duty of service of process upon the Executrix of the Estate, who has custody, control, and possession of the Trust.

¹⁶ Though, disclosure of the Trust via the Fed.R.Civ.P. 27 Petition to perpetuate evidence, where a summary judgment Motion (Rule 12(b)(6) Motion) has been filed, would subject personal financial information to public access. Hence, please see Petitioner's Petition for Writ of Mandamus to PNC Bank, N.A. and The PNC Financial Services Group, Inc. (Docket #21-5832).

¹⁷ See: Petitioner's 'Petition for Writ of Prohibition to PNC Bank, N.A. and The PNC Financial Services Group, Inc.' ("PNC"), (Docket #21-5833); and Petitioner's 'Petition for Writ of Mandamus to PNC Bank, N.A. and The PNC Financial Services Group, Inc. ("PNC") (Docket #21-5832)

6. The District Court for Western District of Pennsylvania refused to exercise its jurisdiction to review Petitioner's *Amended* Rule 59 motion for Reconsideration (Docket #18-290, ECF No. 217), which is an omission from a District Court Order at or about ECF No. 207, which has thwarted and obstructed appellate review in Petitioner's Appeal to the Court of Appeals for the Third Circuit (Docket #19-2094), where Petitioner raised the issue of fraud; and thwarted appellate review where Petitioner raised the issue of breach of fiduciary duty and the aiding and abetting of that breach (Docket #18-290, ECF document No. 221, p. 19-25; See Also: Petitioner's Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Docket #20-1833, ECF document No. 226-2).
7. The real estate was unlawfully sold in blatant violation of Petitioner's Constitutional Rights (Due Process Clause; and Petition Clause). Petitioner incorporates, in entirety, her statements made, herein, and otherwise on Record, as to the circumstances, disposition, and sale of the real estate (See: District Court for Western District of Pennsylvania Docket #20-1833, ECF Document No. 157; and ECF Document No. 161); and Petitioner's Petition for Writ of Mandamus Declaring Constitutional Rights to Property).
8. The Executrix for the Estate of Annie Pearl Willis, breached a fiduciary duty in the unauthorized, unlawful sale of the real estate property.¹⁸
9. The Judicial Respondents aided and abetted the repeated unlawful sell of the real estate of the Estate, by refusing to monitor the disposition of the real estate, and by refusing to restrain the sell, and repeated sell, such that the real estate was not in the Court's possession.
10. The Judicial and DCR Respondents aided and abetted a breach of fiduciary duty in refusing to docket Petitioner's in forma pauperis petitions and pleadings.

¹⁸ Real estate property located in Allegheny County at 267 William Street, Pittsburgh, PA. 15203 (Blk/Lot/Parcel ID # 4-H-229)

S. CT. RULE 44.2 CERTIFICATION

I, Petitioner, Leslie Willis, proceeding pro se, in forma pauperis, hereby, certify that, pursuant to S. Ct. Rule 44.2, this 'Petition for Rehearing' is limited to intervening circumstances of substantial or controlling effect, or other substantial grounds not previously presented; and that this Petition for Rehearing is filed in good faith, and not for delay.

Leslie Willis
/s/ Leslie Willis
P.O. Box 1153, Bowie, MD
Maryland 20718
lwillis222@yahoo.com

CONCLUSION

A Rehearing on the May 3, 2021 Petition for Writ of Certiorari; or a Writ of Mandamus directed to the Court of Appeals for the Third Circuit to Recall the December 10, 2020 Mandate; and/or a Remand to the District Court for the Western District of Pennsylvania should be granted.

Leslie Willis
Respectfully submitted,
/s/ Leslie Willis, Petitioner

Date: November 18, 2021

PROOF OF SERVICE

I, Leslie Willis, do swear or declare that on this date, November 18, 2021, as required by Supreme Court Rule 29 I have served the enclosed 'Petition for Rehearing' and Motion for Leave to Proceed In forma Pauperis on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

John Daley (for County Respondents) ([Email](#))

(PA. ID. No. 63279)

Allegheny County Law Department

300 Fort Pitt Commons Building

445 Fort Pitt Boulevard

Pittsburgh, PA 15219

(412) 350-1169

Caroline P. Liebenguth¹⁹ ([Email](#))

(Attorney for Judicial Defendants)

Administrative Office of PA Courts

437 Grant Street, Suite 416

Pittsburgh, PA 15219-6003

The Honorable Judge David S. Cercone (by CM/ECF)

(Docket No. 20-1833)

District Court for the Western District of PA.

700 Grant Street

Joseph F. Weis, Jr.

U.S. Courthouse

Pittsburgh, PA 15219

Jordan M. Webster ([Email](#))

Buchanan Ingersoll & Rooney PC.

Counsel For: For William S. Demchak,

President and Chief Executive Officer

for PNC and PNC Bank, N.A. and

the PNC Financial Services Group Inc

Union Trust Building

501 Grant Street, Suite 200

DOCKET NO. 20-8176

In The

Supreme Court of the United States

On Petition for Rehearing

ORDER

The 'Petition for Rehearing' is, hereby, GRANTED.

BY THE COURT _____, J

¹⁹ Pursuant to Fed. R. Civ. Proc. Rule 5 (b) (1): Service: How Made: (1) Serving an Attorney. If a party is represented by an attorney, service under this rule must be made on the attorney unless the court orders service on the party. Caroline P. Liebenguth legal counsel for the Hon. Lawrence J. O'Toole and the Hon. Judge Kathleen A. Durkin.

APPENDIX B

THE INTERVENING PETITIONS FOR WRITS OF MANDAMUS AND PROHIBITION ARE IN AID OF APPELLATE COURT JURISDICTION

In preparation for Petitioner's federal appellate Court Actions, including Petitioner's May 3, 2021 Petition for Writ of Certiorari filed in this Court (Docket #20-8176), Petitioner filed, in the District Court for the Western District of Pennsylvania, a Fed.R.Civ.P. 27 'Petition to Perpetuate Evidence Pertaining to the 'Trust for Annie Pearl (White) Willis,' so that certain Trust documents would be available in support of Petitioner's federal Court Actions (See: District Court for Western District of Pennsylvania Docket #20-1833, ECF Document No. 27; and ECF No. 161 or ECF No. 126-2). Petitioner initially filed the Rule 27 'Petition to Perpetuate Evidence' on November 25, 2020, almost a year ago. However, the Trust documents have been unavailable for review in this Court, and Petitioner has not been able to bring an Action in federal Court for Declaration of Rights,¹ where the District Court has been *persistent* in a refusal to perform its plain ministerial duty of service of process upon the Interested parties, heirs of the Estate of Annie Pearl Willis, and upon the

¹On or about July 21, 2021, Petitioner filed an 'Addendum to Petition for Writ of Certiorari.' The statements in the Addendum included statements regarding the Trust. However, the Question Presented was, "Whether it is unlawful or improper, under 28 U.S.C. §1915 – in forma pauperis proceedings, for the government to deny, delay or refuse to sua sponte Order discovery of financial resources that may be available to an in forma pauperis litigant." The issue was regarding service of process pursuant to 28 U.S.C. §1915 and a request, in District Court, for Rule 34 Discovery of Trust documents *during the pendency of a Rule 12(b)(6) Motion to Dismiss, to defend against the Motion to Dismiss.* In filing the 'Addendum to Petition for Writ of Certiorari,' Petitioner intended to subsequently file a direct appeal, to this Court, from the District Court, supplemental to the Petition for Writ of Certiorari, presuming that there would be a decision on the Fed.R.Civ.P. 27 'Petition to Perpetuate Evidence' prior to a Conference, in this Court, on the Petition for Writ of Certiorari. However, the Fed.R.Civ.P. 27 'Petition to Perpetuate Evidence' was still pending. Therefore, Petitioner did not file the direct appeal, to this Court, from the District Court Fed.R.Civ.P. 27 'Petition. Subsequently, on September 13, 2021, Petitioner filed, in this Court, an intervening 'Emergency Petition for Writ of Prohibition to the District Court (Docket #21-5833); See Also, Petitioner's intervening August 27, 2021 'Emergency Petition for Writ of Mandamus to PNC Bank, N.A. and the PNC Financial Services Group, Inc.' ("PNC") (Docket #21-5832). Petitioner filed the Emergency Petition for Writ of Prohibition to the District Court, and the Emergency Petition for Writ of Mandamus to PNC under the intervening circumstances of the Fed.R.Civ.P. 27 'Petition to Perpetuate Evidence' regarding the Trust at risk of being dismissed, *and with prejudice.* The District Court *persists* in refusing to perform its a plain ministerial duty of service of process, which is obstructive of the Appeal in this Court, where service of process, Notice, could have been made upon interested parties regarding the Trust (i.e. Heirs under the Will and the Estate) and upon the authorized signer for the Trust.

APPENDIX B

"authorized signer" for the Trust, who has custody, control, and possession of the Trust; and due to other efforts by the District Court to thwart and obstruct the appeal and appellate process (See: Petitioner's 'Emergency Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania' at Docket #21-5833; Petitioner also filed an 'Emergency Petition for Writ of Mandamus to PNC Bank, N.A. and the PNC Financial Services Group, Inc. at Docket #21-5832' to perpetuate the Trust documents). The May 3, 2021 Petition for Certiorari was Denied on October 4, 2021. Petitioner intends to file a 'Petition for Rehearing.'

On December 10, 2020, the Court of Appeals for the Third Circuit (Docket #19-2094) issued a Mandate, precluding lower Court review as to the real estate property. However, the lower Courts have persistently engaged in obstructing the appeal and appellate process, and Petitioner's Fourteenth Amendment Constitutional rights to property (Due Process Clause; and Petition Clause) have been violated. This Court has jurisdiction to remove obstacles to Appeal and to prevent unauthorized action of the district court obstructing an appeal by entering Orders and Opinions (and a Mandate) which thwart appellate review.

Petitioner intends to file a Petition for Writ of Mandamus Declaring Constitutional (due process) Rights to real estate Property (See: District Court Docket #20-1833, ECF Document No. 157) and as to the Trust (See: District Court Docket #20-1833, ECF Document No. 160). The Petition is in aid of the appellate Court subject-matter jurisdiction pursuant to Fed.R.Civ.P. 19 (a)(1) (A); and (B)(i) – Required Parties,² involving a real estate property interest. Petitioner's Petition for Writ of Mandamus to PNC Bank, N.A. and the PNC Financial Services Group, Inc. at Docket #21-5832 regarding a Trust, and Petitioner's

² Petitioner's Section 1983 Action in the Court of Appeals for the Third Circuit (Docket #19-2094), on Appeal from the District Court for the Western District of Pennsylvania (Docket #18-290) includes only judicial officials and certain state employees as Respondents.

APPENDIX B

Petition for Writ of Prohibition to the District Court at Docket #21-5833 are in support of this Petition for Rehearing; and in support of the 'Petition for Writ of Mandamus Declaring Constitutional Rights to Property.'

Petitioner intends to file, in the Third Circuit Court of Appeals (Docket #19-2094) post-judgment Motions, including a Motion to Recall the December 10, 2020 Mandate issued by the Court of Appeals for the Third Circuit as to the real estate property, if not available in this Court, and a Motion to Reopen. In the post-judgment Motions, a declaration of rights to the real estate property will aid in the appellate Court jurisdiction in post-judgment Motions pursuant to Fed.R.Civ.P. 19 (a)(1) (A); and (B)(i) – Required Parties.

Additionally, a declaration of rights to the real estate property will aid in the appellate Court jurisdiction, pursuant to Fed.R.Civ.P. 19 (a)(1) (A); and (B)(i) – Required Parties, in the event of further proceedings in the District Court for the Western District of Pennsylvania (Docket #18-290).

APPENDIX C

THE PROBATE EXCEPTION DOES NOT PRECLUDE FEDERAL COURT REVIEW OF PETITIONER'S SECTION 1983 FEDERAL COURT ACTIONS (JURISDICTION, CONTD)

In the March 2, 2020 Opinion (p. 1, 2) (Docket #19-2094) the Court of Appeals presents a Section 1983 Action as, essentially, a probate matter, indicating that Petitioner's Section 1983 federal Court Action is probate preclusive. However, the subject matter of Petitioner's federal Court Action(s) are not probate preclusive. As the Court states in *Markham v. Allen*, "although "a federal court has no jurisdiction to probate a will or administer an estate, . . . it has [long] been established . . . that federal courts of equity have jurisdiction to entertain suits 'in favor of . . . legatees and heirs' and other claimants against a decedent's estate 'to establish their claims' so long as the federal court does not interfere with the probate proceedings or assume general jurisdiction of the probate or control of the property in the custody of the state court." 326 U.S., at 494. The Court next described a probate exception of distinctly limited scope: "[W]hile a federal court may not exercise its jurisdiction to disturb or affect the possession of property in the custody of a state court, . . . it may exercise its jurisdiction to adjudicate rights in such property where the final judgment does not undertake to interfere with the state court's possession save to the extent that the state court is bound by the judgment to recognize the right adjudicated by the federal court." Ibid. *Marshall v. Marshall*, 547 U.S. 293, 296 (2006). *Marshall* acknowledges that, "... lower federal courts have read the words "interfere with the probate proceedings" to block federal jurisdiction over a range of matters well beyond probate of a will or administration of a decedent's estate, *including an executor's breach of fiduciary duty*. Ibid. (emphasis added). However, *Marshall* further states that, "...This Court therefore comprehends Markham's "interference" language as essentially a reiteration of the general principle that, when one court is exercising *in rem* jurisdiction over *res*, a

APPENDIX C

second court will not assume *in rem* jurisdiction over the same *res*." Ibid. (citations omitted).

Here, on April 25, 2017, the state Orphans' Court Judicial Respondents, in Petitioner's federal Court Actions¹ entered a 'Decree of Distribution,' intending it to be a final Order in the proceedings on the administration of the Estate. However, in order for either collateral estoppel or *res judicata* to apply in the Estate matter, the issue or issues must have been actually litigated and determined by a valid and final judgment. In Petitioner's federal Court Actions, Petitioner claims that the 'Decree of Distribution' is not valid where there is an unlawful sale of the real estate; where Petitioner has made a request to 'Take In Kind' the real estate (O. C. Rule 2.9); and where there is a refusal to docket and adjudicate Petitioner's *in forma pauperis* Petitions,² including a May 6, 2017 'Petition for rule to show cause why sale of the real estate should not be set aside.'³ Also, Petitioner's federal Court Action is initially filed pursuant to Section 1983 (42 U.S.C.S. § 1983), an Action against individual state officials and state employees, for the ongoing violation of constitutional rights, where Petitioner's requests for relief are that the federal court enjoin or prohibit the state Court from violating constitutional rights.⁴ Thus, the probate preclusion does not apply.

¹ See: Judicial Respondents in Petitioner's Petition for Writ of Certiorari and/or Petition for Rehearing" (Docket #20-8176)

² *In forma Pauperis* Petitions filed as of July 2016 and as of August 2016, where the Decree of Distribution was entered on April 25, 2017, months later. The refusal to docket Petitioner's *in forma pauperis* Petitions in the state Orphans' Court, and probate Court, is ongoing.

³ Spoliation of the Record: The May 6, 2017 'Petition for rule to show cause why sale of the real estate should not be set aside is now missing from the state Orphans' Court Docket.

⁴ See: District Court for Western District of Pennsylvania, Docket #18-290, ECF No. 199 – The District Court refused to review Petitioner's Requests for Relief at ECF No. 199, which is an omission from an Order at or about ECF No. 207, which has thwarted and obstructed appellate review of Petitioner's Appeal to the Court of Appeals for the Third Circuit (Docket #19-2094).

APPENDIX C

Furthermore, the 'Decree of Distribution,' or a "final Order," is subject to, and turns on, the Fourteenth Amendment Due Process Clause.⁵ Here, Petitioner's federal court Section 1983 Action seeks a remedy against state violation of Fourteenth Amendment Constitutional rights to property (Due Process Clause) and state violation of First Amendment rights (Petition Clause⁶). The 'Petition for Writ of Certiorari' (S. Ct. Docket #20-8176) seeks a remedy against lower federal Court violation of due process and pursuant to S. Ct. Rule 10(a); and Petitioner's 'Petition for Rehearing', seeks a remedy against the lower Court *persistent* efforts to thwart appellate review and to obstruct an Appeal. Such remedies in this Court, or in post-judgment Motions, including a Recall of the December 10, 2020 Mandate issued by the Court of Appeals for the Third Circuit (Docket # 19-2094); A Declaration of Rights to property; and/or a Remand to the District Court. Petitioner's Section 1983 federal Court Action turns on the Fourteenth Amendment of the Constitution. Thus, the probate preclusion does not apply.

Furthermore, the state Orphans' Court does not have possession of the real estate. The real estate property of the Estate was sold⁷ in an unlawful fiduciary sale, prior to audit of the Estate account, *without a hearing*, and against the objection of an Heir under the Will of the Estate. In fact, the real estate of the Estate was subjected to "house-flipping," a buying and selling of the real estate several times within a 2-year period, during Court proceedings and the administration of the Estate.

The Judicial Respondents aided and abetted the repeated unlawful sell of the real estate of the Estate, by refusing to monitor the disposition of the real estate, and by

⁵ The Court of Common Pleas for Allegheny County, Pennsylvania, particularly the Orphans' Court Division, does not have subject-matter jurisdiction over an Action for deprivation/violation of Constitutional rights.

⁶ The Clerk of the state Orphans' Court refused to docket Petitioner's *in forma Pauperis* Petitions, including Petitioner's Appeal from the Decree of Distribution to the state Superior Court (of Pennsylvania).

⁷ The will does not authorize sale of the real estate of the Estate.

APPENDIX C

refusing to restrain the sell, and repeated sell, such that the real estate was not in the Court's possession. Thus, the probate preclusion does not apply given the disposition of the real estate property.

At this time, the purchaser of the unlawful fiduciary sell of the real estate currently has possession of the real estate of the Estate. Therefore, possession of the real estate property of the Estate is not in the possession of a state Court, nor was the real estate property of the Estate in the possession of a state Court during proceedings in the District Court (Case No. 18-290), or in the Court of Appeals for the Third Circuit (19-2094). Thus, the probate exception does not preclude the federal Court from entertaining this Action by Petitioner to establish her claims against an estate, as to the real estate. (*Marshall v. Marshall*, 547 U.S. at 310; *Markham v. Allen*, 326 U.S. at 494).

LESLIE WILLIS

Direct Contact:
lwillis222@yahoo.com

November 20, 2021

VIA FIRST CLASS MAIL

Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

RE: 'PETITION FOR REHEARING' – FULL PAGE COPY

Dear Sir or Madam,

I am writing regarding the October 29, 2021 'Petition for Rehearing' ("Petition") timely filed in this Court (Docket # 20-8176) and returned.¹ Please see (attached) *full-page copy* of the Petition for Rehearing that was Re-filed on November 18, 2021.

On November 18, 2021, I re-filed the 'Petition for Rehearing.' However, because I am proceeding in forma pauperis and did not have adequate funds to print and mail a full-page copy of the 'Petition, I re-filed the Petition, on November 18, 2021, *two-pages-per-sheet*. I presume that the *enclosed full-page copy* of the re-filed 'Petition for Rehearing,' including Appendix B and Appendix C, will have the same October 29, 2021 filing date, as the *two-pages-per-sheet copy*. Otherwise, the enclosed documents are for the Court's review of the file.

I, hereby, Certify that both documents are the same content, except page *formatting* and Index to Appendices (See: Appendix A citations).

¹ The October 29, 2021 'Petition for Rehearing' document (full pages) was mailed in two separate envelopes, with a delivery date of November 1, 2021. It is my understanding, per the Clerk, that on November 4, 2021, the Petition, presumably containing documents in only one of the envelopes, was returned for lack of the Certification; and that on November 16, 2021, the Petition, presumably containing documents in the second envelope which included the Certification, was returned. On November 18, 2021, I re-filed the 'Petition for Rehearing' within 14-days of the November 4, 2021 filing deadline, and within the 15-page limit count, excluding the form pages specified in Rule 33, subparagraph 1(d).

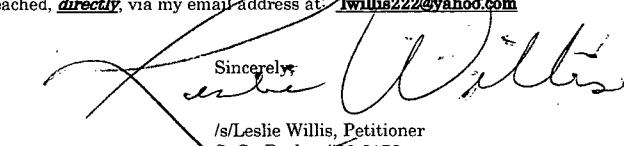
LESLIE WILLIS

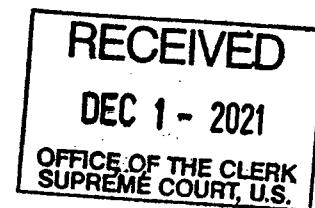
Direct Contact:
lwillis222@yahoo.com

I request that the full-page copy of the re-filed 'Petition for Rehearing' is made available on the Court's online website, so that I may have online access to the filed copy of both documents (the *two-page-per-sheet* copy of the re-filed 'Petition for Rehearing' and the *full-page copy* of the re-filed 'Petition for Rehearing') date and time stamped by the Clerk.

Thank you for your attention regarding these documents. At this time, I am in Pittsburgh. I can be reached, directly, via my email address at: lwillis222@yahoo.com

Sincerely,


/s/Leslie Willis, Petitioner
S. Ct. Docket #20-8176



11/19/21, 1:29 PM

Yahoo Mail - Fw: IN THE SUPREME COURT OF THE UNITED STATES (DOCKET #20-8176) - PETITION FOR REHEARING

11/19/21, 1:29 PM

Yahoo Mail - Fw: IN THE SUPREME COURT OF THE UNITED STATES (DOCKET #20-8176) - PETITION FOR REHEARING

Fw: IN THE SUPREME COURT OF THE UNITED STATES (DOCKET #20-8176) - PETITION FOR REHEARING

From: Leslie Willis <lwillis222@yahoo.com>
To: john.daley@alleghenycounty.us; caroline.liebenguth@pacourts.us; legaldepartment@pacourts.us
Date: Friday, November 19, 2021, 12:10 PM EST

With Cover Letter to Clerk; Appendix B; and Appendix C.

----- Forwarded Message -----

From: Leslie Willis <lwillis222@yahoo.com>
To: john.daley@alleghenycounty.us <john.daley@alleghenycounty.us>; Caroline Liebenguth <caroline.liebenguth@pacourts.us>; "legaldepartment@pacourts.us" <legaldepartment@pacourts.us>
Sent: Friday, November 19, 2021, 12:03:56 PM EST
Subject: Fw: IN THE SUPREME COURT OF THE UNITED STATES (DOCKET #20-8176) - PETITION FOR REHEARING

Petition for Rehearing, Re-filed November 18, 2021.

----- Forwarded Message -----

From: Leslie Willis <lwillis222@yahoo.com>
To: John.Daley@alleghenycounty.us <john.daley@alleghenycounty.us>
Sent: Saturday, October 30, 2021, 03:04:56 PM EDT
Subject: Fw: IN THE SUPREME COURT OF THE UNITED STATES (DOCKET #20-8176) - PETITION FOR REHEARING

Page 17-18 of the 10-29-2021 Petition for Rehearing, edited 10-30-2021 to remove duplicate text.

----- Forwarded Message -----

From: Leslie Willis <lwillis222@yahoo.com>
To: ALLEGHENY CO LAW DEPARTMENT <john.daley@alleghenycounty.us>
Sent: Saturday, October 30, 2021, 03:03:36 PM EDT
Subject: Fw: IN THE SUPREME COURT OF THE UNITED STATES (DOCKET #20-8176) - PETITION FOR REHEARING

Page 17-18 of the 10-29-2021 Petition for Rehearing, edited 10-30-2021 to remove duplicate text.

----- Forwarded Message -----

From: Leslie Willis <lwillis222@yahoo.com>
To: John.Daley@alleghenycounty.us <john.daley@alleghenycounty.us>
Sent: Saturday, October 30, 2021, 01:24:52 PM EDT
Subject: Fw: IN THE SUPREME COURT OF THE UNITED STATES (DOCKET #20-8176) - PETITION FOR REHEARING

ATTN: JOHN MICHAEL DALEY,

For Allegheny County Respondents,

RE: PETITION FOR REHEARING OF MAY 3, 2021 PETITION FOR WRIT OF CERTIORARI (S. Ct. DOCKET #20-8176)

Please see (attached) Petition for Rehearing, filed October 29, 2021 in the Supreme Court of the United States.

Certification with electronic signature; and

Updated Opinions Below;

Best Regards,
Leslie Willis

 UPDATED OPINIONS BELOW - PETITION FOR REHEARING (S.Ct#20-8176).pdf
170kB

 CERTIFICATION - PETITION FOR REHEARING (DOCKET #20-8176) (wElectronic Signature).pdf
71kB

 S.C.T. REHEARING - PETITION FOR REHEARING (DOCKET #20-8176).pdf
316.2kB

 S.C.T. REHEARING (Edited 11-18-2021) (REFILED) - PETITION FOR REHEARING (DOCKET #20-8176) with Reference to APPENDIX B and APPENDIX C.pdf
262.3kB

 COVER LETTER - TO S.C.T. CLERK re PETITION FOR REHEARING' (RE-FILED NOVEMBER 17, 2021).pdf
80.1kB

 APPENDIX B - PETITION FOR REHEARING - THE INTERVENING PETITIONS FOR WRITS OF MANDAMUS AND PROHIBITION ARE IN AID OF APPELLATE COURT JURISDICTION.pdf
155.5kB

 APPENDIX C - PETITION FOR REHEARING - THE PROBATE EXCEPTION DOES NOT PRECLUDE FEDERAL COURT REVIEW OF PETITIONER.pdf
132.4kB