

18 September 2021 3:52 PM

DOCKET NO.¹

21-5833

(See: Docket # 20-8176)

ORIGINAL
Supreme Court, U.S.
FILED

SEP 13 2021

OFFICE OF THE CLERK

In The

Supreme Court of the United States

On *Emergency* Petition for Writ of Prohibition to The District Court for the
Western District of Pennsylvania

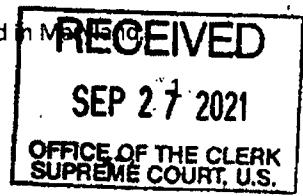
IN RE: PETITION² OF LESLIE WILLIS FOR WRIT OF PROHIBITION

Leslie Willis
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Maryland 20718³
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¹ See: Docket No. 20-8176

² Also presented as a Motion for Writ of Prohibition, supplemental to Docket No. 20-8176.

³ Petitioner's last legal address. At this time, Petitioner is in Pittsburgh, PA. Petitioner is domiciled in MD.



QUESTION PRESENTED

Whether the Court should issue a WRIT OF PROHIBITION that the District Court for the Western District of Pennsylvania is prohibited from entering any order *with prejudice*, on the Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to the Trust for Annie Pearl (White) Willis' (Docket No. 20-1833); and further issue a WRIT IN MANDAMUS/MANDATE that the District Court shall state what Fed.R.Civ.P. Rule 27 requirements are not met in the 'Second Amended Petition' (ECF Document No. 126-2); and further issue a WRIT OF PROHIBITION that the Motion for Leave to File the 'Second Amended Petition' (ECF Document No. 126-2) and/or a 'Motion for Leave to File a Third Amended Petition' in the Fed.R.Civ.P. 27 Petition (Docket No. 20-1833) shall not be Denied.

LIST OF PARTIES

1. Leslie Willis, Petitioner
2. The District Court for the Western District of Pennsylvania, Respondent

RELATED⁴ CASES

Petitioner's 'Petition for Writ of Certiorari,' (Docket #20-8176)⁵ is currently pending in this Court. On July 15, 2021, the Petition was Distributed for the September 27, 2021 Conference. The Petition for Certiorari involves fundamental, substantive, Constitutional rights to property ('Due Process Clause' and 'Petition Clause').

Petitioner has also filed an 'Emergency Petition for Writ of Mandamus' to PNC Bank, N.A. and The PNC Financial Services Group, Inc. ("PNC").

⁴ Other Petitions filed by Petitioner in this Court.

⁵ Due to Covid-19 law library closures during the preparation of the May 3, 2021 'Petition for Writ of Certiorari,' and due to pending Court matters (i.e. Petition for Extraordinary Writs; and District Court Docket # 20-1833), Petitioner has not been able to fully prepare the Petition for Writ of Certiorari (Docket #20-8176). If Petitioner's Petition for Writ of Certiorari (Docket #20-8176) is not reviewed by the Court, Petitioner intends to file a 'Petition for Panel Re-Hearing.'

TABLE OF CONTENTS

OPINIONS BELOW.....	5, 8
JURISDICTION.....	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	10
STATEMENT OF THE CASE	3
REASONS FOR GRANTING THE WRIT	3
CONCLUSION.....	7

INDEX TO APPENDICES ("EXHIBITS")

(See Attached)

TABLE OF AUTHORITIES

(See Attached)

OPINIONS BELOW

The opinions of the United States District Court for the Western District of Pennsylvania, which are the subject of this Petition, are at Docket No. 20-1833 of the 'Petition of Leslie Willis to Perpetuate Evidence of 'The Trust for Annie Pearl (White) Willis' appear as follows:

Appendix A – Magistrate Judge Memorandum Order ECF Document #68

Appendix B · Magistrate Judge Memorandum Order ECF Document #134

Appendix C · District Judge Memorandum Order Re: Magistrate Judge Order (ECF No. 134) Denying Motion to File Second Amended Petition (ECF No. 126 et. seq.) ECF Document #139

JURISDICTION

The Supreme Court jurisdiction is invoked, herein, pursuant to Fed.R. App.P Rule 21, 28 U.S. Code § 1651 – Writs;⁶ and/or pursuant to § 1367(a) - Supplemental Jurisdiction (See footnote #2). The Court's relevant equity powers are invoked.

CONSTITUTIONAL PROVISIONS

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

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

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

STATUTORY PROVISIONS

28 U.S. Code § 1651 - “(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law...;”

⁶ 28 U.S. Code § 1651 - “(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law...;” 28 U.S.C. § 2201(a) “In a case of actual controversy within its jurisdiction ...any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.”

Fed.R.Civ.P. 27(a) - Before an Action Is Filed. (1) Petition. A person who wants to perpetuate testimony about any matter cognizable in a United States court may file a verified petition in the district court for the district where any expected adverse party resides. The petition must ask for an order authorizing the petitioner to depose the named persons in order to perpetuate their testimony. The petition must be titled in the petitioner's name and must show: (A) that the petitioner expects to be a party to an action cognizable in a United States court but cannot presently bring it or cause it to be brought; (B) the subject matter of the expected action and the petitioner's interest; (C) the facts that the petitioner wants to establish by the proposed testimony and the reasons to perpetuate it; (D) the names or a description of the persons whom the petitioner expects to be adverse parties and their addresses, so far as known; and (E) the name, address, and expected substance of the testimony of each deponent.

28 U.S.C. § 2201(a) "In a case of actual controversy within its jurisdiction ...any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

28 U.S.C. §1915(e)(2)(B)(i) and (ii) - Proceedings in forma pauperis - "...[T]he court shall dismiss the case at any time if the court determines that—...(B) the action or appeal—(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted."

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.

RULES

Fed.R.Civ.P. Rule 12(b)(6) Motion to Dismiss

CASE LAW

In re Application of Checkosky, 142 F.R.D. 4, 8 n.2 (D.D.C. 1992) as to a Fed.R.Civ.P. 27 Petition

AND NOW, on this 12-September 2021, Petitioner, Leslie Willis, Pro Se, proceeding in forma pauperis, files this **'Emergency Petition for Writ of Prohibition to The District Court for the Western District of Pennsylvania** and, respectfully, states the following:

1. Petitioner is proceeding pro se and in forma pauperis in this Court.
2. Petitioner's 'Petition for Writ of Certiorari,' is currently pending in this Court (Please see: Docket # 20-8176). On July 15, 2021, the Petition was Distributed for the September 27, 2021 Conference. The Petition for Certiorari involves fundamental, substantive, Constitutional rights to property ('Due Process Clause' and 'Petition Clause'). Please see also: Petitioner's Petition for Writ of Mandamus to PNC Bank, N.A. and The PNC Financial Services Group, Inc. ("PNC"), filed on August 27, 2021.
3. The Supreme Court jurisdiction is invoked, herein, pursuant to Fed.R. App.P Rule 21, 28 U.S. Code § 1651 – Writs;⁴ and/or pursuant to § 1367(a) - Supplemental Jurisdiction (See footnote #2). This Court also has Jurisdiction pursuant to 28 U.S.C. § 2201(a) - Creation of remedy (i.e. Declaration of Rights). The Court's relevant equity powers are invoked.

⁴ 28 U.S. Code § 1651 - "(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law...." 28 U.S.C. § 2201(a) "In a case of actual controversy within its jurisdiction ...any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

4. The Internal Revenue Service (IRS) identified a 'Trust for Annie Pearl (White) Willis'("Trust")⁵ (Please See: 'Petition of Leslie Willis to Perpetuate Evidence of the Trust for Annie Pearl (White) Willis,' filed in the District Court for the Western District of Pennsylvania, Docket No. 20-01833, ECF Document⁶ No. 32.7 - Internal Revenue Service (IRS) letter indicating "The Trust for Annie Pearl (White) Willis"). The Trust involves substantial Trust funds and real estate assets.
5. Petitioner is an Heir, Legacy, Beneficiary, and Devisee of the Estate of Annie Pearl Willis', and has a legal right pursuant to 42 Pa. C.S. § 7533⁷ to a determination of rights to 'The Trust for Annie Pearl White Willis' ("Trust") (See: Declaration of Leslie Willis as Heir - ECF Document No. 128, Filed on 8-20-2021). Petitioner believes that she is the sole beneficiary⁸ of the Trust (See: ECF Document No. 126-2, p. 7-8).
6. Petitioner intends to present, in this Court, a supplemental Action for Declaration of Beneficiary Rights to the 'Trust for Annie Pearl (White) Willis'("Trust"); *and* a supplemental Action for declaration of rights to real

⁵ Annie Pearl (White) Willis (or "Annie Pearl Willis," or "Annie P. Willis") is Petitioner's Grandmother, deceased November 20, 2010; Estate opened January 20, 2011; Letters Testamentary granted to Dolores Willis, Annie Pearl (White) Willis's daughter, Petitioner's Aunt. Petitioner is an Heir, Legacy, Beneficiary, and Devisee of the Estate, and the first born of Annie Pearl (White) Willis' son, John Arthur Willis, Sr. (Pre-deceased).

⁶ Petitioner, proceeding in forma pauperis, does not have funds, at this time, to print and mail documents. References, herein, to Exhibits are filed in the District Court for the Western District of Pennsylvania (Docket # 20-01833). See ECF Document No. 126-2 - Second Amended Petition; and ECF Document No. 129, Table of Exhibits.

⁷ 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.

⁸ Petitioner reserves all of her rights regarding and relating to the Trust and the real estate at 267 William Street.

estate located in Allegheny County, Pennsylvania, at 267 William Street, Pittsburgh, Pennsylvania, 15203 (Lot/Blk/Parcel ID# 4-H-229) ("real estate").⁹ (Exhibits ECF No. 131 – Declarations of Intent to File Actions for Declaration of Rights). However, Petitioner cannot do so without, at least, the *Trust Instrument* and the *Beneficiary Designation* disclosed, at least initially, *to Petitioner*, and also the *Safe Deposit Records* for the Trust.

7. The Trust disclosed, would provide evidence that the Trust exists, and evidence of the Trust Beneficiary; as well as evidence relating to the circumstances of the sale of the real estate (e.g. evidence that the Trust funds were withheld from Petitioner at the time of sale of the real estate;¹⁰ evidence of breach of fiduciary duty; and evidence pertaining to aiding and abetting a breach of fiduciary duty as to the real estate); and would also make funds available for Petitioner to proceed *with an Attorney*, in this Court; and/or in post-judgment motions that she, otherwise, intends to file in the Court of Appeals for the Third Circuit, due by December 2, 2021; and/or in the event of further proceedings in the District Court for the Western District of Pennsylvania.
8. In a Fed.R.Civ.P. Rule 27 Petition, currently pending in the District Court for the Western District of Pennsylvania, to perpetuate evidence of 'The Trust for

⁹ See footnote #7 re: 42 Pa. C.S. § 7533.

¹⁰ Polanco Estate (no. 1) 80 pa. D. & c. 436 (see p. 438-439) – "It would seem that the personal estate is still the primary fund for payment of debts and that a personal representative cannot simply, for the sake of his own whim or desire, embark upon disposing of decedent's real estate in total disregard of the rights and interests of the heirs or devisees" – "non[-]assenting heir is willing to accept distribution of the real estate in kind."

Annie Pearl (White) Willis, the District Judge entered an Order (District Court for the Western District of Pennsylvania, Docket No. 20-01833, ECF Document No.139) affirming a Magistrate Judge Order (ECF Document No.134), denying Petitioner's 'Motion for Leave to File Second Amended Petition' (ECF Document No.126-2).¹¹

9. In the Magistrate Judge's Orders (ECF Document No.68; and ECF Document No.134), the Magistrate Judge states that Petitioner has not met the requirements of a Fed.R.Civ.P. Rule 27 Petition. However, the Magistrate Judge does not state, specifically, what Fed.R.Civ.P. Rule 27 requirements are not met in the 'Second Amended Petition' (ECF Document No. 126-2) (See: ECF Document No. 134). Petitioner avers that she has sufficiently met the requirements of a Fed.R.Civ.P. Rule 27 Petition (See: 'Second Amended Petition' ECF Document No. 126-2, p 3-29).
10. The District Court is now considering a sua sponte decision to dismiss the Fed.R.Civ.P. Rule 27 Petition (See: ECF Document No. 68; see also ECF document No. 70), citing 28 U.S.C. §1915(e)(2)(B)(i) and (ii)¹² - Proceedings in forma pauperis; *and* considering a PNC Bank, N.A. and The PNC Financial

¹¹ On November 25, 2020, Petitioner filed the Fed.R.Civ.P. Rule 27 Petition (District Court for the Western District of Pennsylvania, Docket # 20-01833) during Covid-19 law library closures and restrictions – Due to Covid-19, Petitioner had very limited access to a computer and law library resources. Petitioner filed an 'Amended Petition' on January 27, 2021 (at ECF Document No. 27). In response to the Magistrate Judge Order (at ECF Document No. 68), Petitioner filed a 'Second Amended Petition' (at ECF Document No. 126-2). Petitioner also filed a **Table of Exhibits for the Petition** (at ECF Document No. 129).

¹² "...[T]he court shall dismiss the case at any time if the court determines that—...(B) the action or appeal—(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted..."

Services Group, Inc. ("PNC") Fed.R.Civ.P. Rule 12(b)(6) Motion to Dismiss the Petition, *with prejudice*.

A WRIT OF PROHIBITION SHOULD ISSUE BECAUSE:

11. In the Motion to Dismiss the Fed.R.Civ.P. 27 Petition (Opposing Counsel Brief, ECF Document No. 75, p. 2¶2), PNC states that "PNC has properly denied Petitioner's requests, repeatedly apprising her that PNC cannot and will not provide Petitioner with confidential financial information regarding accounts and/or trusts held by PNC, including the existence of accounts, for which she is not an authorized signer. Petitioner is not, nor has she ever been, authorized to inquire about or receive the information that she seeks from PNC in this Petition."¹³ However, in the Fed.R.Civ.P. 27 Petition, PNC has not claimed any privilege or filed any action for protective order; and cannot claim privilege of a third-party authorized signer for the Trust. PNC's Rule 12(b)(6) Motion to Dismiss the Petition is an abuse of process intended to further conceal the Trust, while collecting fees on the Trust for almost eleven (11) years now.
12. PNC has been holding the 'Trust for Annie Pearl (White) Willis' for almost eleven (11) years now, collecting fees on the Trust, while refusing to disclose the Trust to the Beneficiary. Petitioner has made many requests for

¹³ The Trust is known evidence (See: Exhibit ECF No. 3.2 - Internal Revenue Service (IRS) letter indicating "The Trust for Annie Pearl (White) Willis") (See: ECF No. 31.9, Letter 2013 from PNC requesting person authorized to receive information regarding Annie Pearl Willis's accounts - Annie Pearl Willis did her banking at PNC) (See: 'Second Amended Petition' ECF Document No. 126-2, 'Statement of Claims,' p. 7-8). Petitioner believes she is the sole beneficiary of the Trust.

disclosure of the Trust (Correspondence to PNC requesting disclosure of Trust - ECF Document No. 31.1 thru 31.11; See Also: Correspondence to Dolores Willis - ECF Document No. 32 thru 32.6). PNC will not disclose the 'Trust for Annie Pearl (White) Willis' to Petitioner without a Court Order (See: ECF Document Nos. 31.1 thru 31.11 for correspondence, including certified mail, sent to PNC requesting disclosure of the Trust) (See Also: ECF Document No. 129.14 - PNC Adversarial (Hostile) Correspondence (2013-2014)). Petitioner is prejudiced by a continued delay and refusal to disclose the Trust.

13. Petitioner is an Heir, Legacy, Beneficiary, and Devisee of the Estate of Annie Pearl Willis', and has a legal right, pursuant to 42 Pa. C.S. § 7533, to a determination of rights to the Trust.
14. Petitioner would be unduly prejudiced by any unjust dismissal of the Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to "The Trust for Annie Pearl (White) Willis ("Petition") (i.e. where the Petition has sufficiently met the requirements of Fed.R.Civ.P. 27). Petitioner has sought, since November 25, 2020, to perpetuate disclosure and evidence of the Trust, so that it will be available for judicial consideration in an 'Action for Declaration of Rights to the Trust' and an 'Action for Declaration of Rights to the real estate,' which Petitioner intends to file supplemental to the 'Petition for Writ of Certiorari to the Court of Appeals for the Third Circuit' currently pending in this Court (Docket #20-8176). The District Court refused to serve the

Petition upon Dolores Willis, currently, the “authorized signer” for the Trust, as Executrix for the Estate of Annie Pearl Willis (ECF No. 27 p. 3-4 ¶6, p. 5 ¶13, p. 25 Certificate of Service; See Also: p. 6 ¶15; ECF No. 78 Text; ECF No. 79 Text; and District Judge Memorandum Order, ECF No. 87; ECF No. 67-2 Forms 285 for Dolores Willis; ECF No. 70). As stated in the Petition, Dolores Willis has knowledge, custody, control, and possession of the Trust documents. Thus, the District Court refusal to serve the Petition upon Dolores Willis has been prejudicial to Petitioner’s Rule 27 Petition (ECF No. 1; re-filed at ECF No. 3; ECF No. 27; and ECF No. 126), and is now prejudicial to Petitioner’s federal Court Actions, including Petitioner’s Action currently pending in this Court (Docket #20-8176), where disclosure and evidence of the Trust would be unavailable in Petitioner’s Action for Declaration of Rights to the Trust and Action for Declaration of Rights to real estate property (citing the Fourteenth Amendment Due Process Clause, and First Amendment Petition Clause – See p. 12-13 of the Petition for Writ of Certiorari Docket #20-8176). Petitioner is also prejudiced if the Trust documents are not available in any post-judgment motion that she otherwise intends to file in the Court of Appeals for the Third Circuit prior to a December 2, 2021 “reasonable time” deadline.

15. The Petition for Writ of Certiorari has already been distributed as of July, 15, 2021 for a September 27, 2021 Conference. Petitioner would be deprived of an immediate determination of her rights (“[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) as to a Fed.R.Civ.P. 27 Petition).

16. Petitioner would be unduly prejudiced by a dismissal, *with prejudice*, of the Petition to Perpetuate Evidence Pertaining to “The Trust for Annie Pearl (White) Willis (“Petition”). If the Fed.R.Civ.P. 27 Petition is dismissed *with prejudice*, Petitioner would be precluded from seeking judicial review, pursuant to 42 Pa. C.S. § 7533, for a determination of rights to the Trust, and precluded from seeking judicial review in an Action for Declaration of Rights to the Trust in accordance with 28 U.S.C. § 2201(a) - Creation of remedy (i.e. Declaration of Rights). Furthermore, a dismissal of the Fed.R.Civ.P. 27 Petition, *with prejudice*, would preclude any legal right that Petitioner may have as to the financial information regarding the Trust and any related accounts held by PNC; and would be detrimental to any right that Petitioner may have as an ‘authorized signer’ for the Trust. Thus, a dismissal *with prejudice* would be detrimental to any legal rights that Petitioner may have as to the Trust, including a right to a judicial determination of rights to the Trust.

17. A dismissal *with prejudice* of the Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to “The Trust for Annie Pearl (White) Willis would be unduly prejudicial in Petitioner’s ‘Action for Declaration of Rights to real

Estate,' in this Court and in any post-judgment Motion that Petitioner otherwise intends to file in the Third Circuit Court of Appeals.¹⁴ Petitioner would be precluded from raising her fundamental, substantive Fourteenth Amendment Constitutional (Due Process Clause) and First Amendment (Petition Clause) claims as to real estate property, located in Allegheny County, Pennsylvania, at 267 William Street, Pittsburgh, Pennsylvania, 15203 (Lot/Blk/Parcel ID# 4-H-229) ("real estate"), including a breach of fiduciary duty as to the Trust and as to the real estate, and an aiding and abetting of that breach, depriving a Fourteenth Amendment Constitutional Right to property (See: 'Petition for Writ of Certiorari,' Docket #20-8176, p. 12-13).

¹⁴ Petitioner, otherwise, intends to use a disclosure and evidence of the Trust in post-judgment motions (i.e. Fed.R.Civ.P. 60 Motions; Recall a Mandate; or Reopen) that Petitioner intends to file in the Court of Appeals for the Third Circuit; and/or in the event of further proceedings in the District Court for the Western District of Pennsylvania.

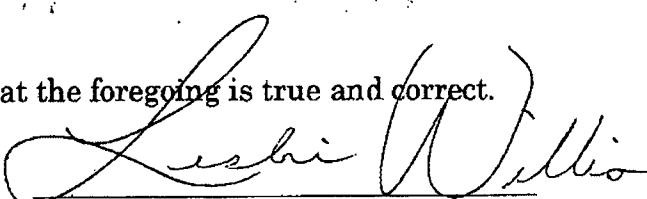
RELIEF SOUGHT

WHEREFORE, Petitioner, Leslie Willis, respectfully, prays that this Court issue a WRIT OF PROHIBITION that the District Court for the Western District of Pennsylvania is prohibited from entering any order *with prejudice*, on the Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to the Trust for Annie Pearl (White) Willis' (Docket No. 20-1833); and further issue a WRIT IN MANDAMUS/MANDATE that the District Court shall state what Fed.R.Civ.P. Rule 27 requirements are not met in the 'Second Amended Petition' (ECF Document No. 126-2); and further issue a WRIT OF PROHIBITION that the Motion for Leave to File the 'Second Amended Petition' (ECF Document No. 126-2) and/or a Motion for Leave to File a Third Amended Petition' in the Fed.R.Civ.P. 27 Petition (Docket No. 20-1833) shall not be Denied.

WHEREFORE, Petitioner, Leslie Willis, respectfully, prays that if this Petition/Motion is Denied by the Clerk or by a single Judge, that the Petition/Motion is considered by the Court En banc; and that, in any event, under the circumstances, the Petition/Motion is not Denied with prejudice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 18, 2021



/s/Leslie Willis, Petitioner

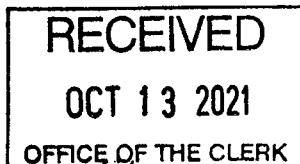
¹⁰ See, for example, the discussion of the 1992 Constitutional Convention in the *Constitutional Convention of 1992: The Final Report* (1993).

JURISDICTIONAL STATEMENT

¹⁰ See, for example, the discussion of the 1993 Constitutional Conference in the section on "The Constitutional Conference and the Final Document."

The Supreme Court jurisdiction is invoked herein, pursuant to Fed.R.App.P Rule 21, 28 U.S. Code § 1651 – Writs;¹ and/or pursuant to § 1367(a), Supplemental Jurisdiction. The Court’s relevant equity powers are invoked.

This 'Petition for Writ of Prohibition is filed in support of the Action for Declaration of Rights to real estate property that Petitioner intends to file in this Court; in aid of the Court's subject-matter jurisdiction pursuant to Fed.R.Civ.P. 19 Required Joinder of Parties.² For instance, here, as to parties in Actions involving real estate property, which is the subject-matter of: (1) the 'Petition for Writ of Certiorari,' or (2) a 'Petition for Panel Re-hearing,' and/or (3) the post-judgment Motions that Petitioner intends to file in the Court of Appeals for the Third Circuit, or (4) in the event of further proceedings in the District Court for the Western District of Pennsylvania.



¹ 28 U.S. Code § 1651 - "(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law...." 28 U.S.C. § 2201(a) "In a case of actual controversy within its jurisdiction ...any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

² Fed.R.Civ.P. 19 (a)(1) (A); and (B)(i). See also District Court for the Western District of Pennsylvania Docket No. 20-1833, ECF Document No. 70)

21

CONSTITUTIONAL PROVISIONS

This 'Petition for Writ of Prohibition is filed in support of the Actions for Declaration of Rights¹ that Petitioner intends to file in this Court, in aid of the Court's subject-matter jurisdiction in Petitioner's Actions in Federal Court, which involve the following Constitutional provisions pertaining to real estate property:

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;

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

¹ Action for Declaration of Rights to the 'Trust for Annie Pearl (White) Willis,' and Action for Declaration of Rights to real estate located in Allegheny County, Pennsylvania, 267 William Street, Pittsburgh, PA. 15203 (Block/Lot/Parcel ID # 4-H-229).



Estate,' in this Court and in any post-judgment Motion that Petitioner otherwise intends to file in the Third Circuit Court of Appeals.¹⁴ Petitioner would be precluded from raising her fundamental, substantive Fourteenth Amendment Constitutional (Due Process Clause) and First Amendment (Petition Clause) claims as to real estate property, located in Allegheny County, Pennsylvania, at 267 William Street, Pittsburgh, Pennsylvania, 15203 (Lot/Blk/Parcel ID# 4-H-229) ("real estate"), including a breach of fiduciary duty as to the Trust and as to the real estate, and an aiding and abetting of that breach, depriving a Fourteenth Amendment Constitutional Right to property (See: 'Petition for Writ of Certiorari,' Docket #20-8176, p. 12-13).

THE RELIEF SOUGHT IN THIS 'PETITION FOR WRIT OF PROHIBITION' CANNOT BE OBTAINED IN ANY OTHER COURT

The Relief sought in this 'Petition for Writ of Prohibition' cannot be obtained in any other Court (e.g. Court of Appeals for the Third Circuit) because of the timing and disposition of the Rule 27 Petition in District Court, which is currently pending a decision as to a sua sponte dismissal, or otherwise, a dismissal, with prejudice. A dismissal with prejudice, or a dismissal, would unduly prejudice and preclude the relief that Petitioner seeks, including her right to an immediate determination of rights to the Trust, delayed for almost eleven (11) years. (LW 10-1-2021) Petitioner's Action in this Court involves fundamental, substantive, Constitutional rights to property (Due Process and Petition Clause). Hence, Petitioner intends to file a Petition for Declaration of Rights to the Trust, and Declaration of Rights to real estate, a subject-matter of Petitioner's Action in this Court. The Trust documents would be used as evidence in support of the Declaration of Rights to real estate, which Petitioner intends to file in support of her Petition for Writ of Certiorari, or in support of a Petition for Re-Hearing in this Court.

¹⁴ Petitioner, otherwise, intends to use a disclosure and evidence of the Trust in post-judgment motions (i.e. Fed.R.Civ.P. 60 Motions; Recall a Mandate; or Reopen) that Petitioner intends to file in the Court of Appeals for the Third Circuit; and/or in the event of further proceedings in the District Court for the Western District of Pennsylvania.



The Relief sought in this 'Petition for Writ of Prohibition' cannot be obtained in any other Court (e.g. Court of Appeals for the Third Circuit) because of the timing and disposition of the Rule 27 Petition in District Court, which is currently pending a decision as to a *sua sponte* dismissal, or otherwise, a dismissal, *with prejudice*. A dismissal *with prejudice*, or a dismissal, would unduly prejudice and preclude the relief that Petitioner seeks, including her right to an immediate determination of rights to the Trust, delayed for almost eleven (11) years.

Petitioner's Action in this Court involves fundamental, substantive, Constitutional rights to property (Due Process and Petition Clause). Hence, Petitioner intends to file a Petition for Declaration of Rights to the Trust, and Declaration of Rights to real estate, a subject-matter of Petitioner's Action in this Court. The Trust documents would be used as evidence in support of the Declaration of Rights to real estate, which Petitioner intends to file in support of her Petition for Writ of Certiorari, or in support of a Petition for Re-Hearing in this Court.

A handwritten signature in black ink, appearing to read "L.W." or a similar initials.