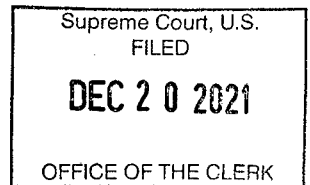


December 20, 2021



DOCKET NO.21-5833

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

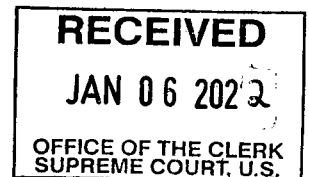
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**On Petition for Rehearing *on* Petition for Writ of Prohibition to the District Court  
for the Western District of Pennsylvania**

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**PETITION FOR REHEARING**

Leslie Willis  
P.O. Box 1153, Bowie, MD  
Maryland 20718<sup>1</sup>  
[lwillis222@Yahoo.Com](mailto:lwillis222@Yahoo.Com)



---

<sup>1</sup> Petitioner's last legal address. At this time, Petitioner is in Pittsburgh, PA. Petitioner is domiciled in Maryland.

## QUESTION PRESENTED

Whether the Court should Rehear the ‘Petition for Writ of Prohibition to The District Court for the Western District of Pennsylvania to consider the circumstances surrounding an **Extrajudicial Factor** in the proceedings for a Fed.R.Civ.P. 27 ‘Petition to Perpetuate Evidence Pertaining to the Trust for Annie Pearl (White) Willis’ held by PNC Bank, N.A. and The PNC Financial Services Group, Inc.’<sup>2</sup>

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<sup>2</sup> District Court for the Western District of Pennsylvania Docket #20-1833, ECF No. 162; and ECF No. 175).

## **LIST OF PARTIES**

1. Leslie Willis, Petitioner<sup>3</sup>
2. PNC Bank, N.A./The PNC Financial Services Group, Inc. ("PNC"),<sup>4</sup>  
Respondents

## **RELATED CASES**

1. **Petition for Rehearing on Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit (Docket #20-8176)** is currently pending a January 7, 2022 Conference in this Court. The Petition for Writ of Certiorari involves fundamental, substantive, Constitutional rights to property ('Due Process Clause' and 'Petition Clause').
2. **Petition for Rehearing on Emergency Petition for Writ of Mandamus to PNC Bank, N.A./The PNC Financial Services Group, Inc.' (Docket #21-5832)**
3. **Fed.R.Civ.P. 27 Petition to Perpetuate Evidence** Pertaining to the Trust for Annie Pearl (White) Willis, District Court for the Western District of Pennsylvania (**Distr. Ct. Docket #20-1833**).

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<sup>3</sup> Petitioner is proceeding pro se and in forma pauperis in this Court.

<sup>4</sup> William S. Demchak, President, Chairman, and Chief Executive Officer.

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<sup>5</sup> Reference to Documents can be found on the Record, online, in the District Court for the Western District of Pennsylvania, Petitioner's Fed.R.Civ.P. 27 'Petition to Perpetuate Evidence of the Trust for Annie Pearl (White) Willis' (Distr. Ct. Docket #20-1833). Petitioner, proceeding pro se, in forma pauperis, does not have financial resources to print and mail documents.

**IN THE SUPREME COURT OF THE UNITED STATES**  
**PETITION FOR WRIT OF PROHIBITION**

Petitioner respectfully prays that a Writ of Prohibition issue to the District Court for the Western District of Pennsylvania in review of the judgments below.

**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 Report and Recommendation (ECF No. 153)

**Appendix B** - District Judge Memorandum Order Re: Magistrate Judge Order (ECF No. 134) Denying Motion to File Second Amended Petition (ECF No. 126-2; 129; ECF No. #139

## **JURISDICTION**

The Supreme Court jurisdiction is invoked, herein, pursuant to Fed.R. App.P Rule 21, 28 U.S. Code § 1651 – Writs.<sup>6</sup> The Court's relevant equity powers are invoked.

This 'Petition for Rehearing on Emergency Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania is filed in support of the 'Petition for Rehearing on the Petition for Writ of Certiorari (Docket #20-8176);' and the post-judgment Motions that Petitioner intends to file in the Court of Appeals for the Third Circuit (i.e. To Recall a December 10, 2020 Mandate, and to Reopen the Appeal) (Docket #19-2094); and in the event of further proceedings in the District Court for the Western District of Pennsylvania (Docket #18-290).

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<sup>6</sup> 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."

## **CONSTITUTIONAL PROVISIONS**

This 'Petition for Rehearing on Emergency Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania is filed in support of 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.



## 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...”

**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.

**U.S. Code 28 U.S. Code § 455** - Disqualification of justice, judge, or magistrate judge: (a) Any justice, judge, or magistrate judge of the United States shall disqualify [herself] in any proceeding in which [her] impartiality might reasonably be questioned. (b) [She] shall also disqualify [herself] in the following circumstances: (1) Where [she] has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

## BACKGROUND

Annie Pearl (White) Willis<sup>7</sup> died on November 20, 2010, more than eleven (11) years ago. The Internal Revenue Service (IRS) identified a “Trust for Annie Pearl (White) Willis” (“Trust”) (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 # 20-01833, ECF No. 32.7 - Internal Revenue Service (IRS) letter indicating “The Trust for Annie Pearl (White) Willis”). The Trust is a substantial Indian-Military Land Trust, involving substantial monetary funds and real estate assets.

Over the course of more than eleven (11) years, PNC Bank, N.A. and The PNC Financial Services Group, Inc. (“PNC”) has held the “Trust for Annie Pearl (White) Willis,” (“Trust”) collecting fees on the Trust, while refusing to disclose the to Petitioner. Petitioner is an Heir, Legacy, Beneficiary and devisee under the will and the Estate of Annie Pearl Willis, and has a *legal right* to a determination of Rights to the Trust, pursuant to 42 Pa. C.S. § 7533 - Construction of documents<sup>8</sup> (See: **Appendix C** – Declaration of Leslie Willis as Heir Legacy, Beneficiary and

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<sup>7</sup> Also, Annie Pearl Willis; or Annie P. Willis.

<sup>8</sup> 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.

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devisee under the will and the Estate of Annie Pearl Willis (District Court Docket #20-1833, ECF No. 160).

In preparation for Petitioner's federal appellate Court Actions, including Petitioner's May 3, 2021 Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit (S. Ct. Docket #20-8176), and the post-judgment motions that Petitioner intended to file in the Court of Appeals for the Third Circuit (Docket #19-2094) (i.e. Motion to Recall December 10, 2020 Mandate; to Reopen the Appeal), 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,' ("Trust") so that certain Trust documents would be available in support of Petitioner's federal Court Actions, including in this Court. The Trust is a substantial Indian-Military Land Trust, involving substantial monetary funds and several hundred acres of real estate assets, held by PNC Bank, N.A. and The PNC Financial Services Group, Inc. ("PNC"). Petitioner initially filed the Fed.R.Civ.P. 27 'Petition to Perpetuate Evidence' on November 25, 2020, more than a year ago. However, the 'Fed.R.Civ.P. 27 Petition to Perpetuate Evidence' was delayed due to a Magistrate Judge (and District Judge affirming) refusal to direct the U.S. Marshal to perform its ministerial duty of service of process upon Interested Parties, the heirs of the Estate of Annie Pearl Willis, and upon Dolores Willis, the Executrix for the Estate of Annie Pearl Willis, who is the "authorized signer" for the Trust, having custody, control, and possession of the Trust

documents. Moreover, the Hon. Magistrate Judge, Lisa Pupo-Lenihan, presiding<sup>9</sup> in the Fed.R.Civ.P. 27 Petition has engaged in a persistent effort to thwart the perpetuation of evidence (i.e. Trust documents), and to obstruct the appeal and appellate process in Petitioner's federal Court Actions. Consequently, the Trust documents have been undisclosed to Petitioner and unavailable for Petitioner's federal Court Actions, including Petitioner's Actions filed in this Court.

Petitioner holds Record Title (ECF No. 163 – Abstract of Record Title) to the subject-matter real estate in her federal Court Actions. The real estate was unlawfully sold in a fiduciary sale, against Petitioner's objections. For instance, Petitioner discovered that there are misappropriated bank funds in the Accounting for the Estate of her Grandmother, Annie Pearl Willis (See: ECF Document No. 28.6 - Accounting Showing Estate Assets Sufficient and Showing Misappropriated Bank Funds; ECF Document No. 14.1 - Joint Account Schedule 'F' PNC Checking Account showing funds misappropriated; ECF Document No. 28.10 - Supporting Documentation For Accounting Showing Assets Sufficient; ECF Document No. 28.7 - Estate First And Final Account, incl. Cover Page W/Estate Attorney Names) (See Also: ECF Document No. 15.0 - Attorney Disciplinary Action – Misappropriated Bank Funds in other unrelated accounts). These proofs of facts have been clearly

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<sup>9</sup> Petitioner did not consent to a Magistrate Judge in the Fed.R.Civ.P. 27 Petition, and Particularly made a Request that the Magistrate Judge, Lisa Pupo-Lenihan Recuse herself, citing an extrajudicial factor and the Magistrate Judge's personal bias and antagonism against Petitioner and Petitioner's Court Actions (See: Distr. Ct. Docket #20-1833, ECF No. 10, ECF No. 22, January 20, 2021).

December 20, 2021

stated on the Record in the Third Circuit Court of Appeals (Docket #19-2094) and in the District Court for the Western District of Pennsylvania (Docket #20-1833).

Petitioner avers that the Trust was undisclosed to Petitioner, so that Petitioner would not be in a position to purchase the real estate<sup>10</sup> of the Estate, so that the real estate could be sold to other persons. 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; evidence of breach of fiduciary duty; and evidence pertaining to aiding and abetting a breach of fiduciary duty as to the real estate).

In the Fed.R.Civ.P. 27 Petition, Petitioner has sought an immediate determination of rights to the Trust ('[T]he right to this relief [Fed.R.Civ.P. 27] ... does not depend upon the condition of the [Respondent], 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). However, the District Court intends to dismiss the Fed.R.Civ.P. 27 Petition, *with prejudice*, effectively precluding a perpetuation of the Trust documents as evidence, precluding a *legal right* to a determination of rights to the Trust, and precluding a right to *an immediate* determination of rights to the Trust.

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<sup>10</sup> Real estate located in Allegheny County, Pennsylvania, 267 William Street, Pittsburgh, PA. 15203 (Block/Lot/Parcel ID # 4-H-229).

## **STATEMENT OF THE CASE**

### **Substantial Grounds Not Previously Presented – Extrajudicial Factor**

Petitioner prays that this Court will take judicial notice of the Hon. Magistrate Judge, Lisa Pupo-Lenihan's extrajudicial association, the Fed.R.Civ.P. 27 proceedings, and the circumstances surrounding the proceedings, which have exemplified a pervasive bias and antagonism against Petitioner's Fed.R.Civ.P. 27 Petition to perpetuate the Trust documents, and which ultimately denies Petitioner due process in Petitioner's federal Court Actions, including within this Court. Petitioner's 'Motion for Disqualification of the Magistrate Judge,' filed in Petitioner's Fed.R. Civ.P 27 Petition, is incorporated by reference (**See: Appendix A - Petitioner's Fed.R.Civ.P. 27 'Petition to Perpetuate Evidence of the 'Trust for Annie Pearl (White) Willis' in the District Court for the Western District of Pennsylvania, Distr. Ct. Docket #20-1833, ECF No. 162, ECF No. 166, ECF No. 168, and ECF No. 175 – Motion for Magistrate Judge Disqualification).**

Very briefly stated here, the Hon. Magistrate Judge, Lisa Pupo-Lenihan, has been unable to preside with impartiality and fair judgment in Petitioner's federal Court Actions, due to the Magistrate judge's personal bias and extrajudicial social-political antagonism against ("targeting") Petitioner and Petitioner's Court Actions (**See: ECF No. 162 and ECF No. 162-1 Exhibit A for the Motion for Disqualification**). According to a biography previously posted on the District Court website, the Magistrate Judge, Lisa Pupo-Lenihan, has an extrajudicial association (**See: Appendix B – Extrajudicial Factor Exhibits A-1**) with an organization that

December 20, 2021

supports homosexual/same-sex gender relationships, and has held, or previously held, a membership and/or political position on the Committee or Board of the organization.<sup>11</sup> The Magistrate Judge has engaged in a pattern of conduct, in support of her social-political affiliation, against Petitioner, including references to Petitioner as something other than Petitioner's female gender (**See: ECF No. 162 and ECF No. 162-1 Exhibit A for the Motion for Disqualification**). *Also, certain purchasers of the subject-matter real estate are homosexual.* Hence, the Magistrate Judge, Lisa Pupo-Lenihan, had a duty to disqualify/recuse herself from Petitioner's Court Actions in accordance with 28 U.S. Code § 455(a) and § 455(b)(1). (**See: ECF No. 162 and ECF No. 162-1 Exhibit A for the Motion for Disqualification**). In Liteky, "(a) Any justice, judge, or magistrate of the United States shall disqualify [herself] in any proceeding in which [her] impartiality might reasonably be questioned. (b) [She] shall also disqualify [herself] in the following circumstances: (1) Where [she] has a personal bias or prejudice concerning a party" Liteky v. United States, 510 U.S. 540, 547 (1994)). The Record, including deep-seated antagonism, personal bias, the extrajudicial source factor as well as the rulings entered by the Magistrate Judge in Petitioner's federal Court Actions clearly calls into question the Magistrate Judge's (and District Judge's) impartiality (Distr. Court Docket #20-1833; Docket #18-290<sup>12</sup>). In Liteky, a pervasive personal bias,

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<sup>11</sup> There may also be at least one individual involved, within the District Court Judge's Chambers, working alongside of the Magistrate Judge, Lisa Pupo-Lenihan, who is homosexual. Also, Petitioner previously spoke by telephone to a male law clerk in the judge's chambers who was hostile against Petitioner's Court Actions.

<sup>12</sup> "clearly meant by "extrajudicial source" a source outside the judicial proceeding at hand — which would include as extrajudicial sources earlier judicial proceedings conducted by the same judge (as are at issue here)." Liteky v. United States, 510 U.S. 540, 545 (1994)

December 20, 2021

deep-seated antagonism and extrajudicial factor, representing an inability to render fair judgment calls for a duty to disqualify. Petitioner asks that this Court take judicial notice of this matter pending in the lower Courts.

### **Judicial Officials Sanctioning Extrajudicial Bias and Antagonism**

Additionally, and respectfully, certain Hon. Judges within the Court of Appeals for the Third Circuit have engaged in similar conduct, targeting Petitioner with extrajudicial social-political antagonism in support of gay community social-political agenda. For instance, the date of the March 2, 2020 Order and Opinion, granting a Summary Action of Affirmance in Petitioner's Appeal from the District Court (COA3 Docket #19-2094), was intentionally aligned with the date of a homosexual, Democratic Party candidate's decision to withdraw from the 2020 Presidential race. Also, the December 2, 2020 Order affirming, and the December 10, 2020 Mandate, Certifying, and stating "issued in lieu of a formal mandate, and is to be treated in all respects as a mandate," was intentionally aligned with the political events surrounding the Certification of the 2020 Presidential vote, in furtherance of extra-judicial social-political antagonism in support of homosexuality and gay community social-political agenda.



## REASONS FOR GRANTING THE WRIT

1. Petitioner has a right to an unbiased tribunal. However, the proceedings in the Fed.R.Civ.P. 27 Petition as well as in a prior proceeding (**See: ECF No. 162-1, Exhibit 'A' Bias Ill Will**), have been a pervasive bias and antagonism against Petitioner and Petitioner's Court Actions.
2. 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<sup>13</sup> to a determination of rights to 'The Trust for Annie Pearl White Willis' ("Trust") (See: District Court Docket # 20-01833, ECF No. 160 – Petitioner's Declaration as Heir, Legacy, Beneficiary, and Devisee of the Estate of Annie Pearl Willis').<sup>14</sup>
3. In the Fed.R.Civ.P. 27 Petition, Petitioner has a right to an immediate determination of rights to the Trust "[T]he right to this relief [Fed.R.Civ.P. 27] ... does not depend upon the condition of the [Respondent], 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.

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<sup>13</sup> 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.

<sup>14</sup> Petitioner believes that she is the sole beneficiary of the Trust.

4. Petitioner is proceeding in form pauperis in federal Court Actions. A dismissal of the Fed.R.Civ.P. 27 Petition, and a dismissal *with prejudice*, effectively precludes Petitioner's immediate right to a determination of rights to the Trust, after eleven (11) years of the Trust concealed. Additionally, Petitioner would be without the financial resources available to bring an Appeal from an Order denying the Fed.R.Civ.P. 27 Petition.<sup>15</sup>
5. A dismissal *with prejudice* of the Fed.R.Civ.P. 27 Petition unlawfully denies Petitioner's right to the Trust documents, and a right to financial information from PNC Bank, N.A. and The PNC Financial Services Group, Inc. regarding the Trust.

**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* that if any Order has issued dismissing the Petition *with prejudice*, that this Court issue a **WRIT OF MANDAMUS** that such Order shall be **QUASHED/VACATED**; 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

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<sup>15</sup> The Magistrate Judge is seeking a Dismissal to effectuated the 'Three-Strikes' rule, so that Petitioner is 'Put out of Court.'

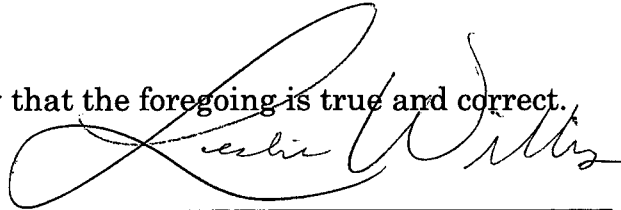
December 20, 2021

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 December 20, 2021

A handwritten signature in cursive script, appearing to read "Leslie Willis", is written over a horizontal line.

/s/Leslie Willis, Petitioner

**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

A large, stylized handwritten signature of Leslie Willis in black ink, written over the typed name and address.

P.O. Box 1153, Bowie, MD

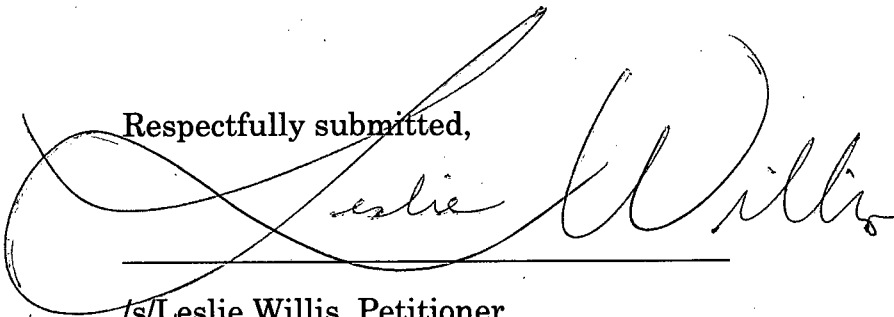
Maryland 20718

[lwillis222@Yahoo.Com](mailto:lwillis222@Yahoo.Com)

CONCLUSION

The Petition for Rehearing on the Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania should be granted.

Respectfully submitted,

A handwritten signature in cursive script, reading "Leslie Willis", is written over a horizontal line. The signature is fluid and stylized, with the first name "Leslie" and last name "Willis" clearly legible.

/s/Leslie Willis, Petitioner

Date: December 20, 2021

**PROOF OF SERVICE**

I, Leslie Willis, do swear or declare that on this date, **December 20, 2021**, as required by Supreme Court Rule 29 I have served the enclosed '**On Petition for Rehearing on Petition for Writ of Prohibition to The District Court for the Western District of Pennsylvania**' 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:

Jordan Webster, (Email)

Associate, Buchanan Ingersoll & Rooney, PC

For William S. Demchak, President and Chief Executive Officer,

PNC Bank, The PNC Financial Services Group, Inc.

Union Trust Building, 501 Grant Street, Suite 200, Pittsburgh, PA 15219-4413

The Honorable Judge David S. Cercone (by CM/ECF Docket No. 20-1833)

District Court for the Western District of Pennsylvania

Joseph F. Weis, Jr.

U.S. Courthouse

700 Grant Street

Pittsburgh, PA 15219

DOCKET NO.21-5833

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

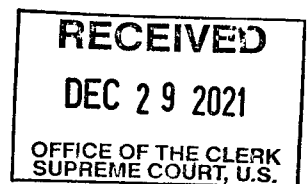
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**On Petition for Rehearing *on* Petition for Writ of Prohibition to the District Court  
for the Western District of Pennsylvania**

---

**PETITION FOR REHEARING**

Leslie Willis  
P.O. Box 1153, Bowie, MD  
Maryland 20718<sup>1</sup>  
[lwillis222@Yahoo.Com](mailto:lwillis222@Yahoo.Com)



---

<sup>1</sup> Petitioner's last legal address. At this time, Petitioner is in Pittsburgh, PA. Petitioner is domiciled in Maryland.

**UPDATED REQUEST FOR RELIEF<sup>2</sup>**

*( Addendum )*

**WHEREFORE**, Petitioner, Leslie Willis, respectfully, requests that this Court issue a **WRIT OF PROHIBITION** directed to the District Court for the Western District of Pennsylvania ("District Court"), that the Magistrate Judge (and District Judge) who have presided in the Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to the Trust for Annie Pearl (White) Willis (Docket #20-1833) ("Petition") shall not preside in any of Petitioner's Court Actions; and issue a **WRIT IN MANDAMUS** directed to the District Court, that the Magistrate Judge's Report and Recommendation (ECF No. 153) shall be **QUASHED/VOIDED/VACATED** in the Fed.R.Civ.P. 27 Petition ("Petition"); and **FURTHER** issue a **WRIT IN MANDAMUS** that the Magistrate Judge's Orders and Opinions (and District Judge Order's and Opinions Affirming) in the Fed.R.Civ.P. 27 Petition are **QUASHED, VOID/VACATED**; and that the District Judge's Memorandum Order (ECF No. 178) is **QUASHED/VOID/VACATED**; and **FURTHER** issue a **WRIT IN MANDAMUS** that Petitioner's Fed.R.Civ.P. 27 Petition shall be reinstated, with Service of Process made upon Dolores Willis; that the 'Second Amended Petition' (ECF No. 126-2; ECF No. 161) shall be reinstated; that the District Court shall state what specific Fed.R.Civ.P. 27 requirements are not met in the 'Second Amended Petition' (ECF No. 126-2; ECF No. 161); that a Motion for Leave to File a 'Third Amended Petition' shall be Granted; and that a new District Judge shall preside in the Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to the Trust for Annie Pearl (White) Willis (Docket #20-1833).

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<sup>2</sup> Petition for Rehearing on Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania (Docket #21-5832)



## EXHIBIT A

IN THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

CASE NO.: 19-2094

LESLIE WILLIS,

Appellant

v.

THE HON. LAWRENCE O'TOOLE, ET AL.,<sup>1</sup>

Appellees.

On appeal from the United States District Court for the Western District of Pennsylvania, Civil Action No. 2:18-CV-00290 (The Hon. District Judge David S. Cercone)

**ADDENDUM TO 'DECLARATION SHOWING NEED TO MAKE DISCOVERY IN OPPOSITION TO MOTION FOR SUMMARY ACTION OF AFFIRMANCE' CITING PROOF OF FACTS EXHIBITS AS TO APPELLANT'S CLAIM THAT DISTRICT COURT (MAGISTRATE JUDGE, et al.) TARGETED APPELLANT WITH BIAS AND ILL WILL**

/s/Leslie Willis, Appellant (Pro Se)

Send Service/Notice/Corro to:

[lwillis222@yahoo.com](mailto:lwillis222@yahoo.com)

(No Telephone No. Available);

PACFile Registered; CM/ECF (Registered)<sup>2</sup>

<sup>1</sup> RE: List of Appellees in the docket heading: See Appellant's Objections at ECF No. 158 and ECF No. 176 re: Second Amended Complaint; and Appellants Objections (ECF No. 206 ¶¶ IV, VI, and VII (p. 7-9)) to the Report and Recommendation (ECF No. 202).

<sup>2</sup> Appellant is domiciled in Maryland. However, at this time, Appellant is in Pittsburgh. Appellant will not receive any court documents/ correspondence/Notice at the Maryland address (which is no longer current at this time). Email is Appellant's primary means of communicating. Appellant requests Court documents or correspondence and Notice via the Court CM/ECF electronic filing system.

IN THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

LESLIE WILLIS,

Appellant

v.

THE HON. JUDGE KATHLEEN A. DURKIN, et. al.

Appellees

Case No. 19-2094

PROOF OF FACTS EXHIBITS  
RE: DISTRICT COURT  
POLITICAL BIAS AND ILL WILL  
AGAINST APPELLANT

11/30/2019 4:45 PM

**ADDENDUM TO 'DECLARATION SHOWING NEED TO MAKE DISCOVERY IN OPPOSITION TO MOTION FOR SUMMARY ACTION OF AFFIRMANCE' CITING PROOF OF FACTS EXHIBITS AS TO APPELLANT'S CLAIM THAT DISTRICT COURT (MAGISTRATE JUDGE, et al.) TARGETED APPELLANT WITH BIAS AND ILL WILL**

AND NOW, on this 30 November 2019, Appellant, Leslie Willis, Pro Se, files this

'Addendum to Declaration Showing Need to Make Discovery in Opposition to Motion for Summary Action of Affirmance Citing Proof of Facts Exhibits as to Appellant's Claim that District Court (Magistrate Judge, et al.) targeted Appellant with Personal/Political Bias and Ill Will,' incorporating Appellant's 'Amended Response to Motion for Summary Action of Affirmance and, respectfully, states the following:

1. Appellant states on the District Court docket that, "Petitioner has been targeted with ill will within the social, political, and religious environment (i.e. 'progressive-political-religious') including within the Court system, such as knowingly calling Petitioner out of her gender" (See: Appellant's 'Amended Objections to Magistrate Judge Report and Recommendation,' ECF No. 206, p. 3, fn 8).

2. Petitioner is female, woman, she. Petitioner was female in her mother's womb, was born female, has always been female, and will always be female, woman, she. Petitioner, a female, woman, she, would not be any other way.<sup>3</sup>
3. In support of Appellant's 'Declaration Showing Need to Make Discovery in Opposition To Motion for Summary Action of Affirmance,' Appellant makes the following citations to the docket, as *Proof of Facts Exhibits* regarding Appellant's claim that the District Court (i.e. Magistrate Judge, et al.)<sup>4</sup> targeted Appellant with Personal/Political Bias and Ill Will.

A. (2018) ECF No. 206, p. 3, fn 8;<sup>5</sup>

<sup>3</sup> Appellant's birth certificate is available upon the Court's request. Though, Appellant reserves all of her rights. See Also: Appellant's 2018 Action ECF No. 41 (2:18-cv-00290-DSC-LPL) – "Notice to the clerk's office: Petitioner is a female, woman, she (please be informed, once again, that Petitioner is female, woman, she. Petitioner was female in her mother's womb, was born female, has always been female, and will always be female, woman, she. Petitioner would not be any other way)."

<sup>4</sup> Note: Apparently, according to a Bio previously posted on the District Court website, the Magistrate Judge may have held a (political) position on the Board of an organization involving support of homosexual gender equality. Appellant does not support homosexuality nor any agenda in support of homosexuality. There may also be at least one individual involved, within the Judge's Chambers, who is homosexual. Also, Appellant spoke by telephone to a male clerk in the judge's chambers who was hostile against Appellant's case.

<sup>5</sup> See: Appellant's 2018 Action (2:18-cv-00290-DSC-LPL), ECF No. 206, p. 3, fn 8: "Local government in the Pittsburgh area largely represents Democratic "progressive" party politics. The Magistrate Judge's (and likely others within the Judge's Chambers and within the Clerk's office) conduct toward Petitioner is ill will against Petitioner, because Petitioner is not a Democrat, much less a progressive Democrat in support of homosexuality. Petitioner does not support homosexuality, nor any agenda in support of homosexuality. Consequently, Petitioner has been targeted with ill will within the social, political, and religious environment (i.e. 'progressive-political-religious') including within the Court system, such as knowingly calling Petitioner out of her gender (e.g. See: District Court Docket – Petitioner's Objections (ECF No. 56, ¶ 9; ECF No. 29 p. 5, ¶ 5; Magistrate Judge Order ECF No. 14); and Petitioner's "Notice/Notes to the File: "Petitioner is a Female, Woman, She" on the Docket for Petitioner's 2018 Action Case No. 2:18-cv-00290-DSC-LPL currently pending in this Court as well as Petitioner's "Notice/Notes to the File" in her 2016 Action (Case No. 2:16-cv-00075-DSC-LPL), which Petitioner voluntarily dismissed on March 1, 2017, without prejudice). Petitioner was born female, always has been female, and always will be female, woman, she. Additionally, as it relates to this case, the Magistrate Judge has been acting as Counsel to Respondents/Defendants and as Counsel to opposing Counsel. For instance, advising opposing Counsel on what pleadings to file in the matter (i.e. advising opposing Counsel to file a Motion to Dismiss ECF No. 14, ¶2); to file Supplemental Statements; to file 'Reply in opposition' to a 'Motion for Reconsideration,' et al.). See: Petitioner's objections on the docket regarding these matters. The Magistrate Judge's March 8, 2018 Report and Recommendation (ECF No. 202) (as well as the 2016 Report and Recommendation) is blatantly biased, using legal and persuasive language intended entirely in favor of Respondents/Defendants, and without a balanced legal

- B. (2016)<sup>6</sup> 1/22/2016 ECF No. 6 – Magistrate Judge uses Appellant's correct gender, referring to Appellant as "she;"
- C. (2016) 7/8/2016 ECF No. 46, p. 2 – Magistrate Judge *intentionally* misstates Appellant's gender;
- D. (2016) 8/03/2016 ECF No. 70 – Notice – Note to the File - Appellant's request that Magistrate Judge use Appellant's correct gender – Woman, Female, She;
- E. (2016) 2/15/2017 ECF No. 115 – Letter to District Judge requesting that the Judge make reference to Appellant's correct gender – Woman, Female, She;
- F. (2016) 2/15/2017 ECF No. 116 and ECF No. 117 (Second Letter/Notice – Plaintiff is a Woman, Female, She);
- G. (2018)<sup>7</sup> 4/25/2018 ECF No. 14, p.1, last paragraph; p. 2, ¶ 1 – Document referring to Petitioner as "He;"
- H. (2018) 5/9/2018 ECF No. 29, p. 5, ¶ 1 (V); p.7 fn 6 - Cease and Desist distortion and incorrect reference to Appellant's gender
- I. (2018) 5/15/2018 ECF No. 32, p. 7, ¶ V - Cease and Desist distortion and incorrect reference to Appellant's gender
- J. (2018) 5/24/2018 ECF No. 41 – Docket Text that Petitioner is a Woman, Female, She – "Notice to the clerk's office: Petitioner is a female, woman, she (please be

review of the facts, subject-matter, and legal questions; and with blatant disregard of readily verifiable facts (e.g. on the Orphans' Court docket or state appellate Court docket)."

<sup>6</sup> 2016 District Court Action (Case No. 16-00075).

<sup>7</sup> 2018 District Court Action (Case No. 18-290).

informed, once again, that Petitioner is female, woman, she. Petitioner was female in her mother's womb, was born female, has always been female, and will always be female, woman, she. Petitioner would not be any other way);”

- K. (2018) 6/27/2018 ECF No. 50, p. 8, ¶ V and fn 7 - Cease and Desist distortion and incorrect reference to Appellant's gender;
- L. (2018) 6/11/2018 ECF No. 47 and 6/28/2018 ECF No. 51, p. 3, ¶ 2 – District Court continued effort to distort Appellant's gender, stating that “The Court apologizes for not making changes to gender references,” meant to imply that Appellant requested a “gender *change*” as in a homosexual preference. Rather, Appellant requested that the Magistrate Judge/District Court use Appellant's correct gender – Woman, Female, She;
- M. (2018) 7/12/2018 ECF No. 56, p. 5, ¶ 9 incl. fn 2 and fn 3; p. 6 Cease and Desist distortion and incorrect reference to Appellant's gender;

**Declaration Showing Need to Make Discovery in Opposition to Motion for Summary Action of Affirmance:**

I request that Appellees' ‘Motion for Summary Action of Affirmance’ is denied, or deferred in order to obtain discovery of facts, beyond my own knowledge, essential to adequately support my opposition to Appellees' ‘Motion for Summary Action of Affirmance.’ The proof of facts that I intend to ascertain in Discovery regarding this matter include, but are not limited to, correspondence and internal files relating to the case (Appellant's 2018 Action Case No. 2:18-cv-00290-DSC-LPL; as well as Appellant's 2016 Action Case No. 2:16-cv-00075-DSC-LPL) including other documents, email, and other interoffice communication to prove that individuals within the Judge's chambers (and clerk's office) knew that Appellant is female, woman, she, but nonetheless intentionally referred to Appellant out of her gender. Additionally, discovery is necessary to ascertain whether the District Judge, Magistrate Judge, law clerk(s) and individuals with the clerk's office hold any views, personal bias or social/political affiliations in support of homosexual gender equality, and likely knew that Appellant does not support homosexuality nor any agenda in support of homosexuality. The information obtained in such discovery would prove Appellant's claim that the District Court (Magistrate Judge, et al.) targeted Appellant with personal/political bias and ill will in the Report and Recommendation(s) and other decisions, and in the administration of Appellant's case in the District Court (Appellant's 2018 Action Case No. 2:18-cv-00290-DSC-LPL).

**VERIFICATION/AFFIDAVIT**

I, **LESLIE WILLIS, CERTIFY**, being duly sworn according to law, depose and say that I am the Appellant in the foregoing '**Addendum to Declaration Showing Need to Make Discovery in Opposition to Motion for Summary Action of Affirmance Citing Proof of Facts Exhibits: Personal/Political Bias and Ill Will**' and that the facts set forth therein are true and correct to the best of my knowledge, information and belief, formed after inquiry reasonable under the circumstances: (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) The claims, defenses, and other legal contentions are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; (3) The factual contentions have evidentiary support or, if specifically so identified, after a reasonable opportunity for further information or discovery; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based upon belief or lack of information. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. paragraph 4904, relating to unsworn falsification to authorities

November 30, 2019

Respectfully,

/s/Leslie Willis, Appellant (Pro Se)

Send Service/Notice/Corro to:

[lwillis222@yahoo.com](mailto:lwillis222@yahoo.com)

CM/ECF; PACFile (Registered)

(No Telephone No. Available)

**NOTICE TO PLEAD**

Respondents are hereby notified to plead to this '**Addendum to Declaration Showing Need to Make Discovery in Opposition to Motion for Summary Action of Affirmance Citing Proof of Facts Exhibits: Personal/Political Bias and Ill Will**,' within fourteen (14) days from service hereof or a default judgment may be entered against you.

November 30, 2019

/s/ Leslie Willis

Appellant (Pro Se)

Send Service/Notice/Corro to:

[lwillis222@yahoo.com](mailto:lwillis222@yahoo.com); or

(No Telephone No. Available)

Court Electronic Service

PACFile Registered;

CM/ECF Registered

**CERTIFICATE OF SERVICE**

I, **HEREBY, CERTIFY** that I, Leslie Willis, served **NOTICE** via U. S. Marshal, Service of Process, Sheriff, First Class Mail, E-mail, Certified Mail, via **CM/ECF (Pursuant to Fed. R. Civ. Proc. Rule 5 (b) (3))** a copy or courtesy copy of the 'Addendum to Declaration Showing Need to Make Discovery in Opposition to Motion for Summary Action of Affirmance Citing Proof of Facts Exhibits: Personal/Political Bias and Ill Will' on the 30 November 2019 upon:

Lawrence J. O'Toole  
Administrative Judge  
Orphans' Court, Allegheny County  
Frick Bldg. 17<sup>th</sup> Floor  
437 Grant, Suite 1700  
Pittsburgh, PA 15219  
(412) 350-5550

Judge Kathleen A. Durkin  
Orphans' Court, Allegheny County  
Frick Bldg. 17th Floor  
437 Grant, Suite 1700  
Pittsburgh, PA 15219  
(412) 350-5652

Lee Dellecker (for County Respondents) (VIA CM/ECF)  
Assistant County Solicitor (Pa. I.D. #314672)  
Allegheny County Law Department  
300 Fort Pitt Commons Building  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15219  
(412) 350-1167

Caroline P. Liebenguth<sup>6</sup> (VIA CM/ECF)  
(Attorney for the Hon. Judge Durkin; and  
the Hon. Judge O'Toole)  
Administrative Office of PA Courts (AOPC)  
437 Grant Street  
Suite 416  
Pittsburgh, PA 15219-6003  
(412) 565-5032

/s/ Leslie Willis, Appellant (Pro Se)

Send Service/Notice To: [lesliewillis2@hotmail.com](mailto:lesliewillis2@hotmail.com); or [lwillis222@yahoo.com](mailto:lwillis222@yahoo.com);

Or via Court Electronic Service

(No telephone # is available); PACFile registered; CM/ECF Registered

<sup>6</sup> 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.

DOCKET NO.21-5833

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

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**On Petition for Rehearing *on* Petition for Writ of Prohibition to the District Court  
for the Western District of Pennsylvania**

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**PETITION FOR REHEARING**

Leslie Willis  
P.O. Box 1153, Bowie, MD  
Maryland 20718<sup>1</sup>  
[lwillis222@Yahoo.Com](mailto:lwillis222@Yahoo.Com)

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<sup>1</sup> Petitioner's last legal address. At this time, Petitioner is in Pittsburgh, PA. Petitioner is domiciled in Maryland.

## UPDATED REQUEST FOR RELIEF<sup>2</sup>

**WHEREFORE**, Petitioner, Leslie Willis, respectfully, requests that this Court issue a **WRIT OF PROHIBITION** directed to the District Court for the Western District of Pennsylvania ("District Court"), that the Magistrate Judge (and District Judge) who have presided in the Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to the Trust for Annie Pearl (White) Willis (Docket #20-1833) ("Petition") are **DISQUALIFIED** and shall not preside in any of Petitioner's Court Actions, including on any Remand; and issue a **WRIT IN MANDAMUS** pursuant to 28 U.S.C. §1651(a) and 28 U.S.C. §2106, directed to the District Court, that a new District Judge shall preside in the Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to the Trust for Annie Pearl (White) Willis (Docket #20-1833).

**WHEREFORE**, Petitioner, Leslie Willis, respectfully, requests that this Court issue a **WRIT IN MANDAMUS** directed to the District Court, that the Magistrate Judge's Report and Recommendation (ECF No. 153) shall be **QUASHED/VOIDED/VACATED** in the Fed.R.Civ.P. 27 Petition ("Petition"); and **FURTHER** issue a **WRIT IN MANDAMUS** that the Magistrate Judge's Orders and Opinions (and District Judge Order's and Opinions Affirming) in the Fed.R.Civ.P. 27 Petition are **QUASHED, VOID/VACATED**; and that the District Judge's Memorandum Order (ECF No. 178) is, in entirety, **QUASHED, VOID, VACATED**, including any Order Granting a PNC Bank and The PNC Financial Services Group, Inc. Motion to Dismiss the Fed.R.Civ.P. 27 Petition, with prejudice (ECF No. 74 and ECF No. 75).

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<sup>2</sup> Updated Request for Relief for the Petition for Rehearing on Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania (Docket #21-5832). Updated due to the District Judge's December 21, 2021 Memorandum Order (ECF No. 178) Dismissing the Fed.R.Civ.P. 27 Petition, with prejudice, on date after December 20, 2021 Petition for Rehearing filed.

### **UPDATED REQUEST FOR RELIEF<sup>3</sup> (CONT'D)**

**WHEREFORE**, Petitioner, Leslie Willis, respectfully, requests that this Court issue a **WRIT IN MANDAMUS** that Petitioner's Fed.R.Civ.P. 27 Petition shall be reinstated, with U.S. Marshal Service of Process made upon Dolores Willis; that the 'Second Amended Petition' (ECF No. 126-2; ECF No. 161) shall be reinstated; that the District Court shall state what specific Fed.R.Civ.P. 27 requirements are not met in the 'Second Amended Petition' (ECF No. 126-2; ECF No. 161); that a Motion for Leave to File a 'Third Amended Petition' shall be Granted.

**WHEREFORE**, Petitioner, Leslie Willis, respectfully, requests that this Court issue a **WRIT OF PROHIBITION** directed to the District Court for the Western District of Pennsylvania ("District Court") that the District Court is prohibited from entering any order dismissing *with prejudice*, a Fed.R.Civ.P. 27 Petition to Perpetuate Evidence Pertaining to the 'Trust for Annie Pearl (White) Willis' (Distr. Ct. Docket No. 20-1833) ("Petition").

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<sup>3</sup> Updated Request for Relief for the Petition for Rehearing on Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania (Docket #21-5832). Updated due to the District Judge's December 21, 2021 Memorandum Order (ECF No. 178) Dismissing the Fed.R.Civ.P. 27 Petition, with prejudice, on date after December 20, 2021 Petition for Rehearing filed.



**LESLIE WILLIS**

Direct Contact:

[lwillis222@yahoo.com](mailto:lwillis222@yahoo.com)

December 23, 2021

**DOCKET # 21-5833**

**VIA FIRST CLASS MAIL**

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

**RE: 'PETITION FOR REHEARING' DOCUMENTS (DOCKET #21-5833)**

Dear Sir or Madam,

I am writing regarding the December 20, 2021 'Petition for Rehearing' on the Petition for Writ of Prohibition ("Petition") (Docket # 21-5833), which was timely filed in this Court.<sup>1</sup> Please see (attached) a full-page per sheet copy of the Petition.

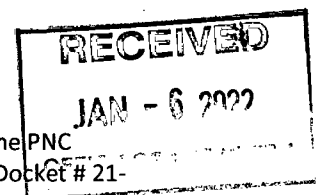
On or about December 23, 2021,<sup>2</sup> the Clerk received a two-page per sheet document for the 'Petition for Rehearing' on the Petition for Writ of Prohibition ("Petition") (Docket # 21-5833). **Enclosed is a full-page per sheet copy of the Petition** as well as an **Exhibit A** and an **Updated Request for Relief**.<sup>3</sup> Please docket the full-page per sheet copy along with the two-page per sheet copy of the Petition, and include a date-time stamp, *on each document*, showing the December 20, 2021 *filing* date, so that I may access the date-time stamped copies online via the Court website.

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<sup>1</sup> A full-page/sheet Petition for Rehearing' on the Petition for Writ of Mandamus to PNC Bank and the PNC Financial Services Group Inc. ("Petition") was also timely filed in this Court on December 20, 2021 (Docket # 21-5832)

<sup>2</sup> Petitioner, proceeding in forma pauperis, does not have adequate funds necessary to print and mail documents.

<sup>3</sup> Updated due to the District Judge's December 21, 2021 Memorandum Order (ECF No. 178) Dismissing the Fed.R.Civ.P. 27 Petition, with prejudice, on date after December 20, 2021 Petition for Rehearing filed.



**LESLIE WILLIS**

**Direct Contact:**

**lwillis222@yahoo.com**

Please include, online, a date-time stamp of this letter.

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

Enclosures.

No. 21-5833

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.

Leslie Willis  
12-20-2021

Leslie Willis  
(Signature) LW  
10-15-2021

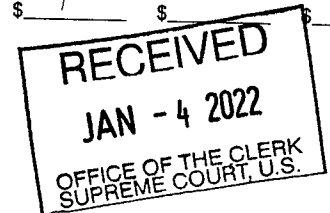
— Petitioner Requests a Waiver of the 3 (or Ten) Copies. Petitioner does not have funds, at this time, to print and mail additional copies.  
LW 11/1/2021

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	
	You	Single Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>none</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>



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

Employer	Address	Dates of Employment	Gross monthly pay
NONE	N/A	N/A	\$ N/A

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	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A

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)	Amount you have	Amount your spouse has
NONE	\$ N/A	\$ N/A

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

<input type="checkbox"/> Home Value <u>N/A</u>	<input checked="" type="checkbox"/> Other real estate <u>In Litigation</u> Value <u>SEE DOCKET # 20-8176</u>
<input checked="" type="checkbox"/> Motor Vehicle #1 <u>Stolen over 10 years ago</u> Year, make & model <u>10 years ago</u> Value _____	<input type="checkbox"/> Motor Vehicle #2 <u>N/A</u> Year, make & model <u>N/A</u> Value _____

☐ Other assets  
Description All assets are in litigation. None Available.  
Value SEE DOCKET # 20-8176 S.C.T.  
SEE DISTRICT COURT DOCKET # 20-1833

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

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
NONE	\$ N/A	\$ N/A

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	Relationship	Age
NONE	N/A	N/A

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	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ _____
Food (VARIES)	\$ <u>5-20</u>	\$ _____
Clothing	\$ <u>0</u>	\$ _____
Laundry and dry-cleaning	\$ <u>500</u>	\$ _____
Medical and dental expenses	\$ <u>0</u>	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>/</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>/</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>/</u>
Life	\$ <u>0</u>	\$ <u>/</u>
Health	\$ <u>0</u>	\$ <u>/</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>/</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>/</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>NOT REQUIRED TO FILE TAXES.</u>	\$ <u>0</u>	\$ <u>/</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>/</u>
Credit card(s)	\$ <u>0</u>	\$ <u>/</u>
Department store(s)	\$ <u>0</u>	\$ <u>/</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>/</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>/</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>/</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>/</u>
Total monthly expenses:	\$ <u>0</u>	\$ <u>/</u>

Storage Unit (3x4) \$ 21.35- PAID w/borrowed Funds  
 Food\* 20.00  
 Laundry/misc. 5.00  
 (e.g. toothpaste)  
 \$ 46.35/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.

Pending Disclosure of Trust Fund. (SEE: District Court WD PA CASE NO. 20-1833 (ECF NO. 27))

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 Pending Disclosure of Trust Fund

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 Undisclosed)  
 In litigation and withheld (SEE: District Court WD PA CASE NO. 20-1833, ECF NO. 27)

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

Lester Willis  
 (Signature)

Lester Willis  
 12/20/2021

LW  
 10/15/2021  
LW  
 11/1/2021

December 20, 2021

DOCKET NO.21-5833

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

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**On Petition for Rehearing *on* Petition for Writ of Prohibition to the District Court  
for the Western District of Pennsylvania**

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**PETITION FOR REHEARING**

Leslie Willis  
P.O. Box 1153, Bowie, MD  
Maryland 20718<sup>1</sup>  
[lwillis222@Yahoo.Com](mailto:lwillis222@Yahoo.Com)

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<sup>1</sup> Petitioner's last legal address. At this time, Petitioner is in Pittsburgh, PA. Petitioner is domiciled in Maryland.

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**QUESTION PRESENTED**

Whether the Court should Rehear the 'Petition for Writ of Prohibition to The District Court for the Western District of Pennsylvania to consider the circumstances surrounding an **Extrajudicial Factor** in the proceedings for a Fed.R.Civ.P. 27 'Petition to Perpetuate Evidence Pertaining to the Trust for Annie Pearl (White) Willis' held by PNC Bank, N.A. and The PNC Financial Services Group, Inc.<sup>2</sup>

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<sup>2</sup> District Court for the Western District of Pennsylvania Docket #20-1833, ECF No. 162; and ECF No. 175).

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## LIST OF PARTIES

1. Leslie Willis, Petitioner<sup>3</sup>
2. PNC Bank, N.A./The PNC Financial Services Group, Inc. ("PNC"),<sup>4</sup>  
Respondents

## RELATED CASES

1. **Petition for Rehearing on Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit (Docket #20-8176)** is currently pending a January 7, 2022 Conference in this Court. The Petition for Writ of Certiorari involves fundamental, substantive, Constitutional rights to property ('Due Process Clause' and 'Petition Clause').
2. **Petition for Rehearing on Emergency Petition for Writ of Mandamus** to PNC Bank, N.A./The PNC Financial Services Group, Inc.' (**Docket #21-5832**)
3. **Fed.R.Civ.P. 27 Petition to Perpetuate Evidence** Pertaining to the Trust for Annie Pearl (White) Willis, District Court for the Western District of Pennsylvania (**Distr. Ct. Docket #20-1833**).

<sup>3</sup> Petitioner is proceeding pro se and in forma pauperis in this Court.

<sup>4</sup> William S. Demchak, President, Chairman, and Chief Executive Officer.

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<sup>5</sup> Reference to Documents can be found on the Record, online, in the District Court for the Western District of Pennsylvania, Petitioner’s Fed.R.Civ.P. 27 ‘Petition to Perpetuate Evidence of the ‘Trust for Annie Pearl (White) Willis’ (Distr. Ct. Docket #20-1833). Petitioner, proceeding pro se, in forma pauperis, does not have financial resources to print and mail documents.

IN THE SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF PROHIBITION

Petitioner respectfully prays that a Writ of Prohibition issue to the District Court for the Western District of Pennsylvania in review of the judgments below.

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 Report and Recommendation (ECF No. 153)
- Appendix B** - District Judge Memorandum Order Re: Magistrate Judge Order (ECF No. 134) Denying Motion to File Second Amended Petition (ECF No. 126-2; 129; ECF No. #139



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### **JURISDICTION**

The Supreme Court jurisdiction is invoked, herein, pursuant to Fed.R. App.P Rule 21, 28 U.S. Code § 1651 – Writ.<sup>6</sup> The Court's relevant equity powers are invoked.

This 'Petition for Rehearing on Emergency Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania is filed in support of the 'Petition for Rehearing on the Petition for Writ of Certiorari (Docket #20-8176);' and the post-judgment Motions that Petitioner intends to file in the Court of Appeals for the Third Circuit (i.e. To Recall a December 10, 2020 Mandate, and to Reopen the Appeal) (Docket #19-2094); and in the event of further proceedings in the District Court for the Western District of Pennsylvania (Docket #18-290).

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<sup>6</sup> 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."

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### **CONSTITUTIONAL PROVISIONS**

This 'Petition for Rehearing on Emergency Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania is filed in support of 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.

## 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....”

**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.

**U.S. Code 28 U.S. Code § 455** - Disqualification of justice, judge, or magistrate judge: (a) Any justice, judge, or magistrate judge of the United States shall disqualify [herself] in any proceeding in which [her] impartiality might reasonably be questioned. (b) [She] shall also disqualify [herself] in the following circumstances: (1) Where [she] has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

## BACKGROUND

Annie Pearl (White) Willis<sup>7</sup> died on November 20, 2010, more than eleven (11) years ago. The Internal Revenue Service (IRS) identified a ‘Trust for Annie Pearl (White) Willis’ (“Trust”) (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 # 20-01833, ECF No. 32.7 - Internal Revenue Service (IRS) letter indicating “The Trust for Annie Pearl (White) Willis”). The Trust is a substantial Indian-Military Land Trust, involving substantial monetary funds and real estate assets.

Over the course of more than eleven (11) years, PNC Bank, N.A. and The PNC Financial Services Group, Inc. (“PNC”) has held the ‘Trust for Annie Pearl (White) Willis,’ (“Trust”) collecting fees on the Trust, while refusing to disclose the to Petitioner. Petitioner is an Heir, Legacy, Beneficiary and devisee under the will and the Estate of Annie Pearl Willis, and has a *legal right* to a determination of Rights to the Trust, pursuant to 42 Pa. C.S. § 7533 - Construction of documents<sup>8</sup> (See: **Appendix C** – Declaration of Leslie Willis as Heir Legacy, Beneficiary and

<sup>7</sup> Also, Annie Pearl Willis; or Annie P. Willis.

<sup>8</sup> 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.

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devisee under the will and the Estate of Annie Pearl Willis (District Court Docket #20-1833, ECF No. 160).

In preparation for Petitioner's federal appellate Court Actions, including Petitioner's May 3, 2021 Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit (S. Ct. Docket #20-8176), and the post-judgment motions that Petitioner intended to file in the Court of Appeals for the Third Circuit (Docket #19-2094) (i.e. Motion to Recall December 10, 2020 Mandate; to Reopen the Appeal), 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,' ("Trust") so that certain Trust documents would be available in support of Petitioner's federal Court Actions, including in this Court. The Trust is a substantial Indian-Military Land Trust, involving substantial monetary funds and several hundred acres of real estate assets, held by PNC Bank, N.A. and The PNC Financial Services Group, Inc. ("PNC"). Petitioner initially filed the Fed.R.Civ.P. 27 'Petition to Perpetuate Evidence' on November 25, 2020, more than a year ago. However, the 'Fed.R.Civ.P. 27 Petition to Perpetuate Evidence' was delayed due to a Magistrate Judge (and District Judge affirming) refusal to direct the U.S. Marshal to perform its ministerial duty of service of process upon Interested Parties, the heirs of the Estate of Annie Pearl Willis, and upon Dolores Willis, the Executrix for the Estate of Annie Pearl Willis, who is the "authorized signer" for the Trust, having custody, control, and possession of the Trust

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documents. Moreover, the Hon. Magistrate Judge, Lisa Pupo-Lenihan, presiding<sup>9</sup> in the Fed.R.Civ.P. 27 Petition has engaged in a persistent effort to thwart the perpetuation of evidence (i.e. Trust documents), and to obstruct the appeal and appellate process in Petitioner's federal Court Actions. Consequently, the Trust documents have been undisclosed to Petitioner and unavailable for Petitioner's federal Court Actions, including Petitioner's Actions filed in this Court.

Petitioner holds Record Title (ECF No. 163 – Abstract of Record Title) to the subject-matter real estate in her federal Court Actions. The real estate was unlawfully sold in a fiduciary sale, against Petitioner's objections. For instance, Petitioner discovered that there are misappropriated bank funds in the Accounting for the Estate of her Grandmother, Annie Pearl Willis (See: ECF Document No. 28.6 - Accounting Showing Estate Assets Sufficient and Showing Misappropriated Bank Funds; ECF Document No. 14.1 - Joint Account Schedule 'F' PNC Checking Account showing funds misappropriated; ECF Document No. 28.10 - Supporting Documentation For Accounting Showing Assets Sufficient; ECF Document No. 28.7 - Estate First And Final Account, incl. Cover Page W/Estate Attorney Names) (See Also: ECF Document No. 15.0 - Attorney Disciplinary Action – Misappropriated Bank Funds in other unrelated accounts). These proofs of facts have been clearly

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<sup>9</sup> Petitioner did not consent to a Magistrate Judge in the Fed.R.Civ.P. 27 Petition, and Particularly made a Request that the Magistrate Judge, Lisa Pupo-Lenihan Recuse herself, citing an extrajudicial factor and the Magistrate Judge's personal bias and antagonism against Petitioner and Petitioner's Court Actions (See: Distr. Ct. Docket #20-1833, ECF No. 10, ECF No. 22, January 20, 2021).

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stated on the Record in the Third Circuit Court of Appeals (Docket #19-2094) and in the District Court for the Western District of Pennsylvania (Docket #20-1833).

Petitioner avers that the Trust was undisclosed to Petitioner, so that Petitioner would not be in a position to purchase the real estate<sup>10</sup> of the Estate, so that the real estate could be sold to other persons. 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; evidence of breach of fiduciary duty; and evidence pertaining to aiding and abetting a breach of fiduciary duty as to the real estate).

In the Fed.R.Civ.P. 27 Petition, Petitioner has sought an immediate determination of rights to the Trust ('[T]he right to this relief [Fed.R.Civ.P. 27] ... does not depend upon the condition of the [Respondent], 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). However, the District Court intends to dismiss the Fed.R.Civ.P. 27 Petition, *with prejudice*, effectively precluding a perpetuation of the Trust documents as evidence, precluding a *legal right* to a determination of rights to the Trust, and precluding a right to *an immediate* determination of rights to the Trust.

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<sup>10</sup> Real estate located in Allegheny County, Pennsylvania, 267 William Street, Pittsburgh, PA. 15203 (Block/Lot/Parcel ID # 4-H-229).

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## STATEMENT OF THE CASE

### Substantial Grounds Not Previously Presented – Extrajudicial Factor

Petitioner prays that this Court will take judicial notice of the Hon. Magistrate Judge, Lisa Pupo-Lenihan's extrajudicial association, the Fed.R.Civ.P. 27 proceedings, and the circumstances surrounding the proceedings, which have exemplified a pervasive bias and antagonism against Petitioner's Fed.R.Civ.P. 27 Petition to perpetuate the Trust documents, and which ultimately denies Petitioner due process in Petitioner's federal Court Actions, including within this Court. Petitioner's 'Motion for Disqualification of the Magistrate Judge,' filed in Petitioner's Fed.R. Civ.P 27 Petition, is incorporated by reference (**See: Appendix A – Petitioner's Fed.R.Civ.P. 27 'Petition to Perpetuate Evidence of the "Trust for Annie Pearl (White) Willis' in the District Court for the Western District of Pennsylvania," Distr. Ct. Docket #20-1833, ECF No. 162, ECF No. 166, ECF No. 168, and ECF No. 175 – Motion for Magistrate Judge Disqualification**).

Very briefly stated here, the Hon. Magistrate Judge, Lisa Pupo-Lenihan, has been unable to preside with impartiality and fair judgment in Petitioner's federal Court Actions, due to the Magistrate judge's personal bias and extrajudicial social-political antagonism against ("targeting") Petitioner and Petitioner's Court Actions (**See: ECF No. 162 and ECF No. 162-1 Exhibit A for the Motion for Disqualification**). According to a biography previously posted on the District Court website, the Magistrate Judge, Lisa Pupo-Lenihan, has an extrajudicial association (**See: Appendix B – Extrajudicial Factor Exhibits A-1**) with an organization that

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supports homosexual/same-sex gender relationships, and has held, or previously held, a membership and/or political position on the Committee or Board of the organization.<sup>11</sup> The Magistrate Judge has engaged in a pattern of conduct, in support of her social-political affiliation, against Petitioner, including references to Petitioner as something other than Petitioner's female gender (**See: ECF No. 162 and ECF No. 162-1 Exhibit A for the Motion for Disqualification**). *Also, certain purchasers of the subject-matter real estate are homosexual.* Hence, the Magistrate Judge, Lisa Pupo-Lenihan, had a duty to disqualify/recuse herself from Petitioner's Court Actions in accordance with 28 U.S. Code § 455(a) and § 455(b)(1). (**See: ECF No. 162 and ECF No. 162-1 Exhibit A for the Motion for Disqualification**). In *Liteky*, "(a) Any justice, judge, or magistrate of the United States shall disqualify [herself] in any proceeding in which [her] impartiality might reasonably be questioned. "(b) [She] shall also disqualify [herself] in the following circumstances: (1) Where [she] has a personal bias or prejudice concerning a party" *Liteky v. United States*, 510 U.S. 540, 547 (1994)). The Record, including deep-seated antagonism, personal bias, the extrajudicial source factor as well as the rulings entered by the Magistrate Judge in Petitioner's federal Court Actions clearly calls into question the Magistrate Judge's (and District Judge's) impartiality (Distr. Court Docket #20-1833; Docket #18-290<sup>12</sup>). *In Liteky*, a pervasive personal bias,

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<sup>11</sup> There may also be at least one individual involved, within the District Court Judge's Chambers, working alongside of the Magistrate Judge, Lisa Pupo-Lenihan, who is homosexual. Also, Petitioner previously spoke by telephone to a male law clerk in the judge's chambers who was hostile against Petitioner's Court Actions.

<sup>12</sup> "clearly meant by "extrajudicial source" a source outside the judicial proceeding at hand — which would include as extrajudicial sources earlier judicial proceedings conducted by the same judge (as are at issue here)." *Liteky v. United States*, 510 U.S. 540, 545 (1994)

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deep-seated antagonism and extrajudicial factor, representing an inability to render fair judgment calls for a duty to disqualify. Petitioner asks that this Court take judicial notice of this matter pending in the lower Courts.

#### **Judicial Officials Sanctioning Extrajudicial Bias and Antagonism**

Additionally, and respectfully, certain Hon. Judges within the Court of Appeals for the Third Circuit have engaged in similar conduct, targeting Petitioner with extrajudicial social-political antagonism in support of gay community social-political agenda. For instance, the date of the March 2, 2020 Order and Opinion, granting a Summary Action of Affirmance in Petitioner's Appeal from the District Court (COA3 Docket #19-2094), was intentionally aligned with the date of a homosexual, Democratic Party candidate's decision to withdraw from the 2020 Presidential race. Also, the December 2, 2020 Order affirming, and the December 10, 2020 Mandate, Certifying, and stating "issued in lieu of a formal mandate, and is to be treated in all respects as a mandate," was intentionally aligned with the political events surrounding the Certification of the 2020 Presidential vote, in furtherance of extra-judicial social-political antagonism in support of homosexuality and gay community social-political agenda.

### REASONS FOR GRANTING THE WRIT

1. Petitioner has a right to an unbiased tribunal. However, the proceedings in the Fed.R.Civ.P. 27 Petition as well as in a prior proceeding (**See: ECF No. 162-1, Exhibit 'A' Bias III Will**), have been a pervasive bias and antagonism against Petitioner and Petitioner's Court Actions.
2. 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<sup>13</sup> to a determination of rights to 'The Trust for Annie Pearl White Willis' ("Trust") (**See: District Court Docket # 20-01833, ECF No. 160 – Petitioner's Declaration as Heir, Legacy, Beneficiary, and Devisee of the Estate of Annie Pearl Willis'**).<sup>14</sup>
3. In the Fed.R.Civ.P. 27 Petition, Petitioner has a right to an immediate determination of rights to the Trust "[T]he right to this relief [Fed.R.Civ.P. 27] ... does not depend upon the condition of the [Respondent], 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.

<sup>13</sup> 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.

<sup>14</sup> Petitioner believes that she is the sole beneficiary of the Trust.

4. Petitioner is proceeding in form pauperis in federal Court Actions. A dismissal of the Fed.R.Civ.P. 27 Petition, and a dismissal *with prejudice*, effectively precludes Petitioner's immediate right to a determination of rights to the Trust, after eleven (11) years of the Trust concealed. Additionally, Petitioner would be without the financial resources available to bring an Appeal from an Order denying the Fed.R.Civ.P. 27 Petition.<sup>15</sup>
5. A dismissal *with prejudice* of the Fed.R.Civ.P. 27 Petition unlawfully denies Petitioner's right to the Trust documents, and a right to financial information from PNC Bank, N.A. and The PNC Financial Services Group, Inc. regarding the Trust.

**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** that if any Order has issued dismissing the Petition *with prejudice*, that this Court issue a **WRIT OF MANDAMUS** that such Order shall be **QUASHED/VACATED**; 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

<sup>15</sup> The Magistrate Judge is seeking a Dismissal to effectuated the 'Three-Strikes' rule, so that Petitioner is 'Put out of Court.'

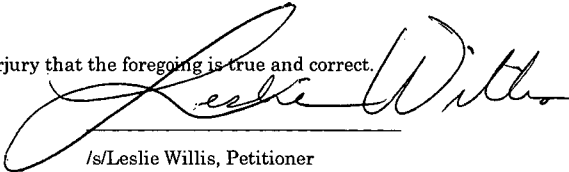
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Motion for Leave to File the 'Second Amended Petition' (ECF Document No. 126-2) and/or a 'Motion for Leave to File a Third Amended Petition' in the Fed.R.Civ.P. 27 Petition (Docket No. 20-1833) shall not be Denied.

**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.

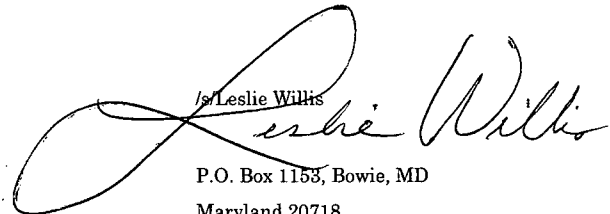
Executed on December 20, 2021

  
/s/Leslie Willis, Petitioner

December 20, 2021

**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.

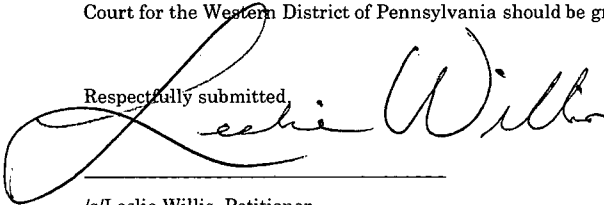
  
/s/Leslie Willis  
P.O. Box 1153, Bowie, MD  
Maryland 20718  
[lwillis222@Yahoo.Com](mailto:lwillis222@Yahoo.Com)

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CONCLUSION

The Petition for Rehearing on the Petition for Writ of Prohibition to the District Court for the Western District of Pennsylvania should be granted.

Respectfully submitted,

A handwritten signature in cursive script, reading "Leslie Willis", written over a horizontal line.

/s/Leslie Willis, Petitioner

Date: December 20, 2021

December 20, 2021

**PROOF OF SERVICE**

I, Leslie Willis, do swear or declare that on this date, **December 20, 2021**, as required by Supreme Court Rule 29 I have served the enclosed '**On Petition for Rehearing on Petition for Writ of Prohibition to The District Court for the Western District of Pennsylvania**' 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:

Jordan Webster, (Email)

Associate, Buchanan Ingersoll & Rooney, PC

For William S. Demchak, President and Chief Executive Officer,

PNC Bank, The PNC Financial Services Group, Inc.

Union Trust Building, 501 Grant Street, Suite 200, Pittsburgh, PA 15219-4413

The Honorable Judge David S. Cercone (by CM/ECF Docket No. 20-1833)

District Court for the Western District of Pennsylvania

Joseph F. Weis, Jr.

U.S. Courthouse

700 Grant Street

Pittsburgh, PA 15219



December 20, 2021

DOCKET NO. 21-5833

In The

## Supreme Court of the United States

On Petition for Rehearing on Petition for Writ of Prohibition to The District Court  
for the Western District of Pennsylvania

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### ORDER

The 'Petition for Rehearing on Petition for Writ of Prohibition to The District  
Court for the Western District of Pennsylvania' is, hereby, **GRANTED**.

**A WRIT OF PROHIBITION** is, hereby, issued that the District Court for the  
Western District of Pennsylvania is, hereby, prohibited from entering any order  
dismissing, nor *with prejudice*, on the Fed.R.Civ.P. 27 Petition to Perpetuate  
Evidence Pertaining to the 'Trust for Annie Pearl (White) Willis' (Distr. Ct. Docket  
No. 20-1833) ("Petition"); *AND* that if any Order has issued dismissing the Petition  
*with prejudice*, a **WRIT OF MANDAMUS** is, hereby, issued that such Order shall be  
**QUASHED/VACATED**.

BY THE COURT \_\_\_\_\_, J

December 20, 2021

DOCKET NO. 21-5833

In The

## Supreme Court of the United States

On Petition for Rehearing on Petition for Writ of Prohibition to The District Court  
for the Western District of Pennsylvania

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### ORDER

The 'Petition for Rehearing on Petition for Writ of Prohibition to The District  
Court for the Western District of Pennsylvania' is, hereby, **GRANTED**.

**IT IS ORDERED** that a **MANDATE** is, hereby, issued, directed to the District  
Court for the Western District of Pennsylvania ("District Court"), that the District  
Court shall state what specific Fed.R.Civ.P. 27 requirements are not met in the  
'Second Amended Petition' (ECF No. 126-2; ECF No. 161); **IT IS FURTHER**  
**ORDERED** that a **WRIT OF PROHIBITION** is, hereby, issued, directed to the  
District Court, that the Motion for Leave to File the 'Second Amended Petition'  
(ECF No. 126-2; ECF No. 161) 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.

BY THE COURT \_\_\_\_\_, J