

21-7377

ORIGINAL

NO.

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED

MAR 12 2022

OFFICE OF THE CLERK

ROSEE TORRES and NOEL TORRES,

*Petitioners*

VS.

WELLS FARGO BANK, N.A., a Calif. Corp., WELLS FARGO HOME MORTGAGE, INC., an Iowa Corp., INTERCOUNTY JUDICIAL SALES CORP., an Ill. Corp., Mr. CAPITOL GROUP, LLC a/k/a MR CAPITOL GROUP, LLC, MANLEY DEAS & KOCHALSKI, LLC, an Ohio Corp., JOEL KNOSHER & EDWARD PETERKA, Ind. & Agents of WELLS FARGO & MANLEY DEAS, ROBERT METZ, Ind. & Agent of Mr. CAPITOL GROUP, LLC.,

*Respondents*

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**PETITION FOR WRIT OF CERTIORARI  
FROM SEVENTH CIRCUIT COURT OF APPEALS**

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**ORAL ARGUMENT REQUESTED**

ROSEE TORRES and NOEL TORRES

Appellants-Petitioners, Pro Se

3546 West Beach Avenue

Chicago, IL 60651

1-773-384-9122

QUESTIONS PRESENTED

## **QUESTIONS PRESENTED**

### **Rule 14(1)(a)**

- (a) **WHETHER** **Torres** are entitled to protections of Amendments 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> to the Constitution?
- (b) **WHETHER** dismissal with prejudice of **Torres'** Complaint under Rules 8 and 12(b) was erroneous and improper?
- (c) **WHETHER** **Torres'**(i) prior settlement and Release,(ii) Certificate of Release; (iii) Satisfaction; (iv) Judgment and (v) Dismissals with Prejudice constitute *res judicata* as to Appellees' subsequent foreclosure claims?
- (d) **WHETHER** **Torres** have federal claims for violations of Civil Rights Acts of 1964, 1988, 1981, 1983 & 1985 based on Wells Fargo denying application for purchase of 3542 West Beach and 3550 West Beach Avenue based on (i) race, color: Afro-American/Afro-Latino (ii) ethnicity: Hispanic (iii) gender/female; (iv) elderly, (v) misclassified U. S. citizenship; (vi) disability?
- (e) **WHETHER** **Torres** are entitled a file an Amended Complaint based on new evidence and acts by Respondents committed during Appeals, including but not limited to: (i) breaches of oral promises from 2015 to November 2021 (ii) threats, violence, physical assaults and violence, home invasion, destruction of property which terrorized and traumatized Torres?
- (f) **WHETHER** plaintiffs **Torres** who never had a mortgage with Wells Fargo, have claims under RICO, the False Claims Act, conspiracy and fraud re seventeen (17) fake, fabricated unauthorized accounts/mortgages in Rosee Torres' name by ID theft, forgery, robo-signature(s), altering and substituting blank forms from predecessor applications to purchase 3542 and 3550 West Beach, to create new fake mortgage on 3546 West Beach to defraud Torres and federal government of \$3-\$5 million dollars?
- (g) **WHETHER** plaintiffs **Torres** have a claim under Racketeer Influence & Corrupt Organization Act (RICO) re Money Laundering, Conspiracy, and Fraud by alleged criminal enterprises?
- (h) **WHETHER** federal judge Mary Rowland should have disqualified or recused herself as a relative and attorney is employed during by Respondent Wells Fargo's law firm?
- (N) **WHETHER** R. Torres' prior law firm and employer, Judge Nathan Howse & Judge R. Scott Nevilles, have conflict of interest and breach of fiduciary duties as judges denying Torres' State Court Appeal re issues they settled with same parties prior to judgeship?
- (j) **WHETHER** trial court Judge Wm. B. Sullivan, former employee of Wells Fargo law firm, as disclosed by Respondents, (i) should have recused self; (ii) can impose summary judgment & sale for foreclosure on Noel Torres, who is not named or a party to mortgage at issue?

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**LIST OF PARTIES**  
**(Rule 14(b)(1))**

**PETITIONERS-APPELLANTS**

Rosee Torres and Noel Torres, Petitioners/Appellants

**RESPONDENTS-APPELLEES**

Wells Fargo Bank, N.A., a Calif. Corp., a/k/a & d/b/a Wells Fargo Home Mortgage, Inc., an Iowa Corp.,

Intercounty Judicial Sales Corp., an Illinois Corp.,

Mr. Capitol; Group, LLC a/k/a MR Capitol Group, LLC, (No Corporate Disclosure to Torres);

Manley Deas & Kochalski, LLC., an Ohio Limited Liability Company, Attorneys for Wells Fargo

Joel Knosher at Manley Deas & Kowalski, attorney and agent for Wells Fargo

Edward Peterka at Manley Deas & Kochalski, Attorney and Agent for Wells Fargo

Robert Metz, Ind. & as Attorney and Agent of Mr. Capitol Group, LLC.,

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## JURISDICTION

Federal jurisdiction is applicable under violations of federal statutes and U. S. Constitution under "Constitutional and Statutory Provisions Cited". (Also, see **Doc. 1, pg. 2**)

**[X] For cases from **federal courts**:**

- [x] A timely Petition for Rehearing was denied on December 15, 2021, and a copy of that Order denying hearing is attached as Appendix Exhibit A .(APP. A,B)**
- [x] The 7<sup>th</sup> Circuit Court of Appeals first decided, affirmed judgment on November 29, 2021. Order is attached as Appendix B. (Also Doc. #1, EX. 1) (APP. C)**

Jurisdiction invoked under 28 U.S.C., Sec. 1254(1) & 28 U.S.C., Sec. 2101; 28 U.S.C., Sec. 1332

**[X] For cases from **state courts** (Illinois) Supplemental Jurisdiction: 28 U.S.C., 1367(c)**

- [x] *Wells Fargo Bank, N.A. v. Rosee Torres & Noel Torres*, Circuit Court of Cook County, #2016-ch-05738, Summary Judgment for **Wells Fargo**, 02-26-2018 & Sale of 3546 West Beach, 01-04-2019. **Torres** Appeal Brief, #21-1818, ( See Doc. 1, EX. 7 & 8-A). (APP. L)**
- [x] *Wells Fargo Bank, N.A. v. Rosee Torres & Noel Torres*, 2016-ch-05738, **Torres'** Sec. 2-1401 Petition DENIED, with Prejudice, 07-22-2019 (**Wells Fargo** attorney Geoffrey Pipoly of Mayer Brown, LLC not on record. (Doc. #1, EX. 21) (APP. N)**
- [x] *Wells Fargo Bank, N.A. v. Rosee Torres & Noel Torres*, Illinois Appellate Court, #19-1718; **Torres'** Petition to Appeal DENIED 06-30-2020 (Doc. #1, EX. 8A)(APP.K-1)**
- [x] *Wells Fargo Bank, N.A. v. Rosee Torres & Noel Torres*, Eviction attempt by **Wells Fargo Bank & Mr. Capitol Group** during Appeal of #19-1718; 12-24-2019 Christmas Eve (Torres Brief, Doc. #1, EX. 9 #21-1818)**
- [x] *Wells Fargo Bank, N.A. v. Rosee Torres & Noel Torres*, Illinois Supreme Court, #126393, **Torres'** Petition to Appeal DENIED, 02-09-2021 (Doc. #1, EX. 3) (APP.J)**

Jurisdiction of this court is invoked under 28 U.S.C., Sec. 1257(a).& 28 U.S.C. Sec. 2101.

## OPINIONS BELOW

Petitioners respectfully pray that a Writ of Certiorari issue to review the judgments below.

**[ X] For cases from Federal Courts: (District and Appeals)**

- (a) ***Torres v. Wells Fargo Bank, N.A., etc., et al***; No. 21-1818; on Motion for Re-Hearing - Judgment re 2019-cv-04138 & 21-1818 Affirmed by 7th Circuit Court of Appeals, 12-15-2021 (APP. A,B); Justices Brennan, St. Eve & Jackson-Akiwumi
- (b) ***Torres v. Wells Fargo Bank, N.A., etc., et al***; No. 21-1818 – Final Judgment by 7<sup>th</sup> Circuit –11-29-2021 (APP C); Justices Brennan, St. Eve & Akiwumi (Also Doc. #1, EX.1)
- (C) ***Torres v. Wells Fargo Bank, N.A.,etc., et al***; No. 21-1818 – Motion to Stay Eviction Pending Appeal, DENIED 11-05-2021 (APP. D)
- (d) ***Torres v. Wells Fargo Bank, N.A., etc., et al***, No. 2019-cv-04138; Dismissed with Prejudice, Memorandum & Order, 03-30-2021; Judge Mary M. Rowland (APP: G)
- (e) ***Torres v. Wells Fargo Bank, N.A., etc., et al***, No. 2019-cv-04138: Torres' Motion to Reconsider DENIED, 04-26-2021; Judge Mary Rowland (APP. H)
- (f) ***Torres v. Judicial Sales Corporation***, et al, No.19-cv-00112, Dismissal without Prejudice, 0-05-2019, Judge Andrea Wood (APP. R)

**[X] For cases from state courts (Illinois):**

- (a) ***Wells Fargo Bank, N.A. v. Rosee & Noel Torres***, Circuit Court of Cook County, IL; Summary Judgment and Sale of 3646 West Beach 02-26-2018 & 01-04-2019; No 2016-ch-05738 (Judge Wm. B. Sullivan & Judge Edward King) (APP. L)
- (b) ***Wells Fargo Bank, N.A. v. Rosee & Noel Torres***, Torres' Counter-Complaint, Discovery and Motion to Produce Documents, , Request, Mediation Request, Transfer Request, Jury Trial Request, DENIED; Petition to Vacate Judgment and Re-hearing, DENIED, 07-22-2019, Judge Wm. Sullivan (APP. M)
- (c) ***Wells Fargo Bank, N.A. v. Rosee & Noel Torres***, Torres' Appeal –Petition to Illinois Appellate Court and Motion for Re-Hearing, , DENIED, 06-30-2020, No. 19-1718 (Justices McBride, Howse & Ellis) (APP. K-I)(Appeal #19-1718 was pending)
- (d) ***Wells Fargo Bank, N.A. v. Rosee & Noel Torres***, Torres' Appeal/Petition to Illinois Supreme Court and Motion for Re-Hearing –DENIED, 11-18-2020: No. 126393; Justice R. Scott Neville) (APP. I)

## RELATED CASES/PROCEEDINGS

***Attorney General of State of Illinois v. Wells Fargo Bank, N.A. -09-ch-26434***

***In re Wachovia "Pick-a-Payment" Mortgage Marketing & Sales Practice Litigation,***  
Southern District of Calif., No. 5:09-md-02015-jf ;Settled 05-17-2011(Doc. #1, EX. 11) (APP. D)

***Wells Fargo Bank, N.A., v. Rosee & Noel Torres***, Circuit Court of Cook County, IL;  
Case No. 2016-cv-05738; Summary Judgment 02-26-2018; Sale 01-04-2019 (APP. L)

***Wells Fargo Bank, N.A. v. Rosee & Noel Torres***, Ill. Appellate Court, No. 1:19-1718;  
Appeal by Torres DENIED, 06-30-2020 (APP: K-1))

***In re Rosee Torres and Noel Torres***, US Bankruptcy Court, Discharged;

***Torres v. Wells Fargo Bank, N.A., etc. et al;*** USDC-Northern District of IL; , Case No. 13-cv-5542; Dismissed with Prejudice by Agreement of Parties, 11-15-2025 (APP. P)

***Torres v. Robert Metz, et al, USDC*** – Northern District of IL; Case No. 1: 19-cv-06526;  
Dismissed ; Judge Eugene Chang, , filed 10-01-2019

***Torres v. Intercounty Judicial Sales Corp., et al***, Case No. 1:19-cv-00112; Dismissed  
Without Prejudice, Judge Andrea Wood: 04-05-2019 (EX. J)

***United States of America, Dept, of Treasury , Comptroller of the Currency v. Wells Fargo Bank, N.A.***, #AA-EC 2018-16 & 2018-026, settled 04-20-2018 (Doc. 25, EX. 4-B)

***United States of America, Consumer Financial Protection Bureau v. Wells Fargo Bank, N.A.,***  
#2018 BCFP-0001; Consent Order 04-20-2018 (Doc. 25, EX. 4-D)

***United States of America v. Wells Fargo & Co.,*** USDC of Calif. Re fake accounts; #3-16-cv-0479;  
Settled 05-2018 (Doc. 25, EX. 4-C)

***United States Dept. of Justice v. Wells Fargo Bank, N.A.,*** USDC-SD of New York, #12-cv-7527,  
Settled 04-2016

## **STATEMENT OF THE CASE**

This is an appeal from the District Court Dismissal on and judgment on November 29, 2021 (APP. C) which was affirmed by the 7<sup>th</sup> Circuit on December 15, 2019 and denial of Petitioners' Motion for Re-hearing (APP. A, B). Petitioners NEVER had a mortgage with Respondent, **Wells Fargo Bank, N.A. a/k/a Wells Fargo Home Mortgage, Inc.** (hereinafter "Wells Fargo") or merged 2004 World Savings, but produced fake mortgage (Doc. 1, EX. 16) and blank forms **re Rosee Torres'** application to purchase 3542 West Beach (Muslim owned) and 3550 West Beach (Black owned)(Complaint Doc. 1, EX. #5 & EX. 15). **Wells Fargo**, having access to above, stole **Rosee Torres'** identity (ID theft), created and forged, robo-signed name to seventeen (17) fake World Savings forms to collect and embezzle \$3,000,000 to \$5,000,000 from federally guaranteed agencies. (Doc. 1, pg.8, 9, EX. 16-20; 5 of 17 EX. 16-20) Both Torres are bilingual of Afro Hispanic/Latino/Caribbean descent, senior citizens, female (**Rosee**), disabled (**Noel**), both under medical care (extended after agents of Respondents' three physical assaults in 2021, break-ins and home invasions by armed persons terrorizing and traumatizing Petitioners they misclassified as "illegal, un-documented aliens" subject to deportation with no rights in America, although both are U.S. born citizens of Puerto Rican descent. Respondents' act to enforce acknowledged existing "**Nigger Removal Plan**" and "**Whites Only Policy**" (not abbreviating with "N" word) 7<sup>th</sup> Circuit failed to correctly address altogether. (Doc. 1, pp. 9, 11, 13, 14, 17, 22) Motion for Stay eviction 11-4-2021 was denied 11-5-2021. (Doc. 26,27)

Defendants and their agents discriminated further used anti-semitic terms in addressing Petitioners based on the surname "Torres" which is Spanish Sephardic Jewish

surname, and addressing the Jewish expulsion from Spain in 1492 and reasons why same group should be “kicked out of America.” Denial of property by ace violates 13<sup>th</sup> Amendment.

Wells Fargo, with assistance from co-respondents, illegally created 17 fake, fabricated subprime, predatory mortgages ranging from \$175,000 to \$250,000 (five attached to Doc. 1, pp. 8-9; EX. 16-20), and created a new fabricated mortgage on Petitioners’ residence which was paid in full, omitting petitioner **Noel Torres** on newly created mortgage, but including him on the fabricated foreclosure, judgment and sale. (a) 2004 Settlement with World Savings (Doc. 1, EX. 13); (b) 2007 Certificate of Release, prior to Wells Fargo merger with World Savings and Wachovia 2011 settlement with Wachovia & World Savings USDC of California, in which Petitioner **Rosee Torres** and **Wells Fargo** were parties, In re Wachovia, etc., No. 5:09-md-02015-jf (Doc. 1, EX. 11); (c ) Agree Dismissal with Prejudice on **Wells Fargo’s** promises (last promise in 2021, breached) Torres funds included and to be returned in federal settlements described below, acceptance and honoring of prior settlements and orders, and prior payments credited to **Rosee Torres’** IRA accounts under World Savings and Wachovia Mortgage: ***Torres v. Wells Fargo***, USDC-ND,IL, , No. 1:13-cv-05542: 3546 West Beach, Chicago, IL. (Doc. 1, EX. 12)

Wells Fargo filed foreclosure in the Circuit Court of Cook County, on one of 17 robo-signed forgeries of fabricated subprime, predatory mortgages on April 26, 2016, obtained a summary judgment on February 26, 2018 and ordered sale of 3546 West Beach by Intercounty Judicial Sales, Inc. on January 4, 2019. (2016-CH-05738) (Doc. 1, EX. 7) The property was sold to **Mr. Capitol Group, LLC.**, (hereinafter “**Mr. Capitol**”) an out-of-state mortgage company not licensed or registered in Illinois. (Doc. 1, pg. 6) Wells Fargo and Mr. Capitol ordered eviction of

Petitioners on Christmas Eve, December 24, 2019. (**Doc. 1, EX. 9**) Attempted break-in and home invasion by agents of **Wells Fargo and Mr. Capitol** on Christmas day December 25, 2019 was thwarted. **Mr. Capitol** was a “flipper” for **Wells Fargo**. (**Doc. 1, pg. 19, 30; Reply, Doc. 25, p.1**) **Respondents disclosed enforcement of existing systemic, institutionalized racism.**

**Wells Fargo’s** defense in not producing original contract, recorded lien, assignment, Indorsement, payments and tax credits was loss of documents due to a “computer glitch”, which defense the Court accepted. (**Doc. 1, pp. 7, 10, 26; Reply, Doc. 25, pp. 1, 3, EX. 1, 2A-2D**)

Petitioners’ Motion to Reconsider and vacate judgment was DENIED on July 22, 2019. (**Doc. 1, EX. 21**) No appearance was filed in Circuit Court by **Wells Fargo** attorney Geoffrey Pipoly of Mayer Brown. (**Doc. 1, pg. 30 & EX. 21**). **Wells Fargo and Mr. Capitol** revealed and disclosed to Petitioners that Presiding judge, Wm. B. Sullivan and/or relative was an attorney for **Wells Fargo** in 1992. (**Doc. 1, pg. 29 & EX. 8-B**) (**Reply: Doc. 25, p. 5**) This alliance guaranteed victory by “owning the courts and clerk of the Illinois courts and the clerk of the Recorder of Deeds office” and ensuring enforcement of Respondents’ **“Nigger Removal Plan”** and **“Whites Only Policy”** (**Doc. 1, pp. 5, 7, 11, 13, 14, 16, 17; Reply: Doc. 25, pp. 1, 9-10**) with this connection (**Doc. 1, EX. 8-B**) Respondents disclosed to Petitioners that one of their forgers of deeds at the Cook County Recorder of Deeds had since been indicted for violations of 18 U.S.C., Sec. 1340, 1341, 1343 and 1346. : **U.S.A. v. Regina Taylor**, USDC,-ND, 15 CR 568. On March 3, 2022, a Respondent’s agent informed Petitioners that another major contributor to Illinois Appellate Judge David Ellis’ (attorney under former Michael Madigan of Illinois House of Representative) insider/court connection, Illinois House Speaker Michael Madigan, was indicted

for corruption: ***U.S.A. v. Michael Madigan, et al***, 18 U.S.C., Sec. 371, 666(a)(6))B), 1343, 1346, 1951, 1952(a)(3), 1962(d) & 2. Former disclosures include California Attorney General Khamala Harris (now Vice President) investigation and win re **Wells Fargo** allegations of criminal identity theft (**Doc. 25, EX. 1**) and that former **Wells Fargo** CEO Stumpf was also indicted on similar charges and had since left the company. However, these will not stop thousands of fabricated foreclosures and evictions. Torres seeks injunction re fraud herein. 18 U.S.C., Sec. 1345.

Petitioners timely appealed to the Illinois Appellate Court, which appeal was DENIED on February 09, 2021. (Doc. 1, EX. 3) It remained unfiled by Court/clerk until January 11, 2021. (Doc. EX. 4) Mandate was issued and filed January 8, 2021 before denial. (**Doc. 1, EX. 5**) Petitioner, **Rosee Torres**, was not only employed by one of the judges in that Order (Nathaniel Howse) by his law firm Howse Howse Neville & Gray, and one of their attorneys, former judge R. Eugene Pincham (Ret'd, now deceased) who settled the case with World Savings in 2004 on same property/issue. (**Doc. 1, pg. 29-30 & EX. 13**)(**Reply Brief: Doc. 25, pp. 4-5**)

Petitioners appealed to Illinois Supreme Court and that was DENIED on February 9, 2021. (**Doc. 1, EX. 3**) One of the judges in that Order also was R. Scott Neville, from the law firm of Howse Howse Neville & Gray who once employed Petitioner **Rosee Torres** and assisted in the 2004 settlement on same issue. (**Doc. 1, pg. 29-30, & EX. 13**)(**Reply: Doc. 25, pp. 4-5**) State and federal District court erred in failing to address this issue. (**Doc. 1, pp. 29**)

Petitioners filed Complaint against all Respondent/Appellees in USDC-ND and case assigned to Judge Mary Rowland, who ordered case dismissed with prejudice per Memorandum and Order of March 30, 2021, with sanctions on April 26, 2021. (20-cv-04138)(**Doc. 1, p. 12, EX. 22**) (**APP. 1 & 2**) David Rowland is attorney for Respondent, Wells Fargo. (**Doc. 1, EX. 22**)

Petitioners timely appealed to the 7<sup>th</sup> Circuit Court of Appeals, Case No. 21-1818, which was DENIED & Judgment. (APP. A, C) Timely filed Petition for Rehearing was also DENIED on December 15, 2021. (APP. B) Petitioners now appeal to the U. S. Supreme Court.

Per Respondents, Respondents assured victory and dismissal in USDC court under Judge Mary M. Rowland due to David Rowland being employed as attorney for Respondent, **Wells Fargo** at Seyfarth Shaw. (Doc. 1, pp. 29 & EX. 22; Reply, Doc. 25, pp. 11) (APP. G, H) District Court and 7<sup>th</sup> Circuit did not address this **conflict of interest**. (Doc. 1, pp. 11-12, 29)

From 2016 through January 2022, Respondents and their agents used intimidation, threats and harassment to force Petitioners to abandon their residence at 3546 West Beach, which include but not limited to the following: (a) threats of eviction and forced abandonment of property; (b) threats of physical violence, last assaults in June and November 2021; (c) threats of deportation; (d) threats of arrest and imprisonment in one of **Wells Fargo's private prison**; (e) refusal to pay property taxes to purchase 3546 West Beach in a "scavenger sale" and auction; **Rosee Torres** paid all taxes from 1999-2022; (f) threats to turn off water to render property at 3546 West Beach "uninhabitable" to force Petitioners to abandon (g) Altering property insurance in name of Respondents **Wells Fargo & Mr. Capitol**, with their attorneys knowledge and consent, to commit arson; **Rosee Torres** pays insurance, "no mortgage" (Doc. 1, EX. 10) (h) damaging Petitioners' credit completely; (i) embezzling Petitioner **Rosee Torres'** down payment of \$30,000 on 3542 and 3550 West Beach and IRA account as retaliation for "attorneys fees", blackmail and extortion, plus court sanctions by the judiciary to prevent Petitioners from further litigation and informing state and federal agencies (U. S. Department of

Justice, U. S. Attorney, State Attorney Generals, FBI, OCC, CFPB, HUD, FHA, Federal Reserve) of their acts and misconduct. (Doc. 1, pp. 10-11; Doc. 25, p. 4) Petitioners continue to live under fear for their lives, extreme emotional distress and medical care from three physical assaults, two break-ins and home invasion while Petitioners slept, by armed agents of Defendants, destruction of property, terrorizing and traumatizing Petitioners to force eviction. A motion to stay pending appeal filed November 3, 2021, denied November 4, 2021. (Doc. 26, 27, APP. D)

## ARGUMENT

Pursuant to Supreme Court Rules 10 and 14(h), Petitioners request the Supreme Court to allow the Writ for the following reasons:

1. **The District Court and Appeals Court's dismissals of the Complaint is inconsistent and contrary to Fed. R. Civ. P. Rule 8(a) and 12(b)(6) and courts own prior decisions, which require only a notice pleading rather than specific facts, and dismissal only where no set of facts can be proved.**

A. **Federal Rules 8(a) & 12(b).** Fed. R. Civ. P., Rule 8(a) establishes a system of notice pleading requiring only that the Plaintiff provide the defendant with "fair notice of what the plaintiff's claim is and the grounds upon which it rests." *Cler v. Illinois Education Association*, 423 F.3d 726, 729 (7<sup>th</sup> Cir., 2005). Where notice pleading is sufficient, a complaint cannot be dismissed under Rule 12(b)(6) unless no relief may be granted" under any set of facts that could be proved consistent with the allegations." *Case v. Milewski*, 327 F. 3d 564, 567 (7<sup>th</sup> Cir., 2003). Notice pleading allows for a limited set of facts in complaint, which favors Petitioners and prior 7<sup>th</sup> Circuit decisions. (Doc. p. 4; Doc. 25, p. 13) Torres seek damages. 18 U.S.C., Sec. 1964(c)

Petitioners' notice pleading complies with the District Court, and 7<sup>th</sup> Circuit prior decisions. *Swanson v. Citibank*, 614 F. 3d 400, 402 (7<sup>th</sup> Cir., 2010) (Doc. 1, pp. 4-5)

Whether language in a complaint 'can be interpreted" as deficient is immaterial... Complaints are construed favorably to their drafters... A complaint need not

Narrate all relevant facts or recite the law. All it has to do is set out a claim for relief. . . A plaintiff need not put all the essential facts in the complaint . . A court should ask whether relief is possible under any set of facts that could be established Consistent with the allegations. *Canella v. Cardell Enterprises*, 980 F. Supp. 272, 273 (N.D. Ill. 1997) (Doc. 1, p. A)

On motion to dismiss, the court must focus on the issue(s) of whether the plaintiff remains "entitled to offer evidence to support the claims," whether than whether the plaintiff will ultimately prevail. *Cole v. U. S. Capitol, Inc.*, 389 F. 3d 719, 724 (7<sup>th</sup> Cir., 2004). (Doc. 1, pg. 4)

Furthermore, the Court should read the complaint liberally and "accept" as true all well pleaded factual allegations in the complaint and draw all reasonable inferences therefrom in the plaintiff's favor. *Lutheran General Hospital v. Wendy International, Inc.* , 959 F. Supp. 501, 502-503 (N.D. Ill. 1997) *Lavalais v. Village o Melrose Park*, 734 F. 3d 629, 632 (7<sup>th</sup> Cir., 2013) (Doc. 1, pp. A,B, 4)

Likewise, a Rule 12(b) (6) motion to dismiss should not be granted unless it appears beyond doubt that the plaintiff cannot prove any facts that would support his claim for relief. *Hentash v. Herman M. Finch Univ. of Health Sciences/The Chicago Medical School*, 167 F.3d 1170, 1173 (7th Cir., 1999). (Doc. 1, pp. B, 4)

B. Due Process. As to procedural treatment of pro se litigants in Civil cases, Supreme Court reversed a dismissal under Rule 12(b)(6) of FRCP. (Doc. 1, pp. 3-4) District and 7<sup>th</sup> Circuit inconsistent with Supreme Court re failure to state a claim under 42 U.S.C., Sec. 1983, stating:

{A}llegations such as those asserted by petitioner, however in-artistfully pleaded, Are sufficient to call for the opportunity to offer supporting evidence. We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. *Haines v. Kerner*, 402 U.S. 419 (1972).

Petitioners have identified their protected interests and the courts must determine how much due process is due a civil pro se litigant, which in Petitioners' case, the courts failed to do, even though Petitioners met the U. S. Supreme Court test. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)

The U.S. Supreme Court also stated "that every civil litigant [is entitled] to hearing on the merits in every case. Petitioners deserve a minimal due process granted a meaningful time and in a meaningful manner. *"Logan v. Zimmerman Brush Co.*, 455 U.S., 422, 437 (1982) quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965); *Little v. Streater*, 452 U.S. 1, 5-6 (1981)

The District Court and 7<sup>th</sup> Circuit dismissal and decision is also inconsistent and contrary to a ruling by another 7<sup>th</sup> Circuit judge, Richard A. Posner, which states:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used and the probable value , if any, of additional or substitute procedural safeguards and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Mathew v. Eldridge*, *Id. at 335*

Petitioners private interests in the loss of not only their home at 3546 West Beach, but the purchases of 3542 West Beach and 3550 West Beach, which values at this time would be over \$1 million, loss of stolen IRA of over \$25,000, loss of down payment of \$30,000, loss of credit; (c ) the risk and loss of properties already loss described in no. "a"; government's loss of \$3 to \$5,000,000 by Defendants' in their conspiracy to reap profits by submitting 17 fraudulent mortgage claims to federal agencies, preserving the impartiality of the judges and from corruption and kickbacks which protect homeowners. **Real Estate Settlement Procedures Act**, (RESPA), Title 12, Ch. 27 of 12 U.S.C., Sec. 1024.31-41 and Sec. 2601-2617. (Doc. 1, pp. 22-23) Defrauding government, **Money Laundering Act**, violating 28 U.S.C., 1956, 1957. .

It is well established that "a claim has factual plausibility when plaintiff pleads factual contents that allow the court to withdraw reasonable inference that the defendant is liable for the misconduct alleged" which ruling the District Court & 7<sup>th</sup> Circuit erroneously fails to address re 100's of direct contact by non attorney Respondents to intimidate, threaten, terrorize and

home invasions by armed parties with no documentation and no masks despite the Covid-19 virus in 2021, 3 physical assaults and injuries sustained in 2021, violating Hobbs Act, 18 U.S.C., 1951 as set forth on page 8 of Statement: threats of eviction, arrest, incarceration, deportation, turning off water, arson re insurance to force **Torres** out. *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937, 1949, 173 L. Ed. 2d 868 (2009)(quoting *Bell v. Twombly*, 550 U.S. 554, 570 127 S. Ct. 1955, 167 L. Ed.2d 929 (2007). (**Doc. 1, pp. A, 3; Doc. 25, p. 8,**) Petitioners fear for their lives even upon preparing this appeal. The District Court and 7<sup>th</sup> Circuit must accept all well pleaded factual allegations as true and draw all reasonable inferences in favor of the plaintiff {Petitioners}. *Anchor Bank FSB v. Hofer*, 649 F. 3d 610, 613 (7<sup>th</sup> Cir. 2015) Petitioners' Complaint contains sufficient factual information with supporting documents to establish standing in the District Court. *Silha v. ACT, Inc.* 807 F.3d 169, 173 (7<sup>th</sup> Cir. 2015) (**Doc. 1, p. 3**)

If Petitioners are not permitted a trial and/or amended complaint as to misconduct by Defendants which took place during and appeals and from 2018-2021, they will have lost all rights, including statute of limitations on oral contracts breached by defendants during period.

The 7<sup>th</sup> Circuit and District Court's decisions are inconsistent with prior decisions. The Cook County Judicial System is a criminal enterprise (20 CH 05738). *Bracey v. Gramley*, USDC-IL No. 96-6233 (June 9, 1997); *U. S. v. Murphy*, 768 N.E. 2d 1518 (7<sup>th</sup> Cir., 1985). (**Doc. 1, p. 29**)

Plaintiffs **Torres'** Complaint complies with Fed. R. Civ. P. 8(a) and 12(12(b)(6)). The District Court and Appeals Court ruling(s) are inconsistent with and contrary to prior decisions.

2. **The District Court and Appeals Court's dismissals of the Complaint as to allegations under RICO, fraud, conspiracy that are outside state court proceedings and is inconsistent with and contrary to prior federal decisions, statutes, U.S. Constitution and U.S. Supreme Court.**

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A. **Racketeering Influence and Corrupt Organization Act "RICO"** : Plaintiffs **Torres'** claim under "RICO" requires that a pattern of racketeering by defendants include (1) conduct

(2) of an enterprise (3) through a pattern (4) of racketeering activity, all with which Plaintiffs alleged. (Doc. 1, pp. 12-13) *Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc.*, 831 F.3d 815, 822 (7<sup>th</sup> Cir, 2016) 18 U.S.C., Sec. 1961 *et seq*, 1962(c ) and (d). (Doc. 1, pp. ix, 2, 4, 13, 16)

For purposes of the statute, “enterprise” includes “any . . . legal entity” as well as “any union or group of individuals associated in fact although not a legal entity.” *Boyle v. United States*, 556 U.S. 938, 944 (2009).(citing 18 U.S.C., Sec. 1961(4). To qualify as an “association in fact” an enterprise must have at last three structural features: !1) a purpose; (2) relationships among those associated with the enterprise, and (3) longevity sufficient to permit these associates to continue to pursue the enterprise’s purpose.” *Id* at 946. “An association in fact enterprise is a group of persons associated together for a common purpose of engaging in a source of conduct.” *Id*. (citations omitted) It is a continuing unit that functions with a common purpose. *Id*. at 948. The Supreme Court has clarified that an enterprise need not be limited to business-like entities. *Id*. It “need not have a hierarchical structure or a chain of command . . . (m)embers of the group need not have fixed roles . . . the group need not have a name, regular meetings, dues, established rules and regulations , disciplinary procedures, or induction or initiation ceremonies.” *Id*. The District Court and 7<sup>th</sup> Circuit declared the Circuit Court of Cook County an enterprise in prior decisions: *Bracey v. Gramley, Id*; *U. S. v. Murphy, Id*.

It is an error to believe that the state court foreclosure of 3546 West Beach and Plaintiffs’ application to purchase 3542 and 3550 West Beach are so intertwined that it would foreclose federal litigation because *Exxon Mobil Corp. v Saudi Basic industries Corp.* 44 U.S. 280, 125 S. Ct. 1517, 161 L. Ed.2d 454 (2005) shows that *Rooker-Feldman* doctrine asks what injury the plaintiff asks the court to address, not whether the injury is “intertwined” with something else. See 544 U.S. at 291. (Doc. 1, pp. B, 1, 2, 39) The State and Federal court and

appeals erroneous assumes and asserts that **Rooker-Feldman** applies to Respondents' refusal to accept mortgage application for 3542 West Beach and 3550 West Beach due to Petitioners' race, color, ethnicity, gender, age and disability, retaining the \$30,000 down payment and security after failing to return or place in Rosee Torres' IRA account, promised (one of multiple broken promises) by **Wells Fargo** as late as 2021. Also, **Richardson v. Koch Law Firm, P.C.**, 768 F.3d 732, 734 (7<sup>th</sup> Cir., 2014). Because plaintiffs seek damages for acts and conduct outside the state court litigation which acts and conduct caused independent injury, the District Court has subject matter jurisdiction on federal statutes and U. S. constitutional violations which neither **Rooker-Feldman** or any other doctrine can block. The Courts and erroneously apply **Rooker-Feldman & D.C. Court of Appeals v. Feldman**, 460 U.S. 463, 476-82, 103 S. Ct. 130 (1983)

Petitioners have alleged that Defendants continued hundreds of direct contact with multiple promises up to and through 2021, on all which Petitioners relied, which were breached, but too late to be included in the State or federal courts or appeals. This included lies that Petitioners' claims were included in Federal/U.S. Department of Justice cases then pending, for fraud, discrimination, etc.,: with Petitioners agreeing to withhold litigation until after the conclusion of these matters, since **World Savings and Wells Fargo** had already settled with **Rosee Torres** by Release of November 2004 (Doc. 1, EX. 13): (a) **In re Wachovia Corporation "Pick-a-Payment" Mortgage Marketing & Sales Practice**", which included **World Savings, Wachovia Wells Fargo Bank and Rosee Torres**, USDC of California, No. 5:09-02015-jf, Settlement and Dismissed with Prejudice, May 17, 2011, (Doc. 1, EX. 11; APP. O); (b) **breach of U.S.A. v. Wells Fargo Bank, N.A., National Settlement Agreement**, Doc. 25, EX. 3-A; (c) **Wells Fargo's** settlement of "Pick-a-Payment loans including **World Savings & Wachovia Mortgage**, (Doc. 25, EX. 3-B) **breach of U.S.A.. Dept. of the Treasury v. Wells Fargo Bank, N.A.**, #AA-EC-2016-66 &

#2016-077, Consent Order, April 20, 2018, Doc. 25, EX. 4-A; (d) U.S.A., *Department of the Treasury, Comptroller of Currency "In the Matter of Wells Fargo Bank, N.A."* Consent Order, Civil Money Penalty, April 20, 2018, # AA-EC-2018-16 & 2018-026, Doc. 25, EX. 4-B; (e) U.S.A., *Bureau of Consumer Financial Protection, "In the Matter of Wells Fargo Bank, N.A."* Consent Order of April 20, 2018, #2018-BCFP-0001, & 2016-CFPB-0015, Doc. 25, EX. 4-D2 & Doc. 1, pp. 9-10. (f) U.S.A. v. Wells Fargo & Co., USDC-Calif., 3-16-cv-0479 (5-2018); (g) U.S.A. v. Wells Fargo Bank, #12-cv-07527 USDC, SDNY (11-2015). Torres seeks damages. 18 U.S.C., Sec. 1964(c)

B. Rule 60, 60(b) – Fraud. The District Court and 7<sup>th</sup> Circuit erroneously failed to address there prior decisions in favor of Petitioners, that fraud makes null and void even the state foreclosure and sale from fabricated mortgage (governed by federal statutes). There are exceptions to fraud: *In re Sun Valley Foods Co*, 801 F.2d 106 (6<sup>th</sup> Cir. 1986); *Remer v. Interstate Bond Co.*, 172 N.W. 2d 425, 439 (Ill. 1961); 15 U.S.C., Sec. 41 *et seq.*; 28 U.S.C., Sec. 1257 (2006). (Doc. 25, p.9) This is applicable to 3546 West Beach and denied purchases of 3542 & 3550 West Beach based on Petitioners' race, color, ethnicity, etc. Forgery, ID theft, robo-signatures on 17 unauthorized accounts, are crimes under *People ex rel Hartigan v. E & E Harding, Inc.*, 153 Ill.2d 473, 607 N.E.2d 165, 180 Ill. Dec. 271 (1992); 28 U.S.C., . Sec. 242,18 U.S.C., Sec. 1344. ...Make or alter document apparently capable of defrauding another in such a manner that it imports to have been made by another or at another time, or with different provisions or by authority by one who did not give authority or issues or delivers such a document knowing it to have been made or altered. 720 ILCS 5/17-1; *Jabbari v. Wells Fargo & Co.*, 4:2015-cv-02159. (Doc. 1, pp. 14-16; Doc. 25, p. 9, EX. 1, -A, 2-B)

Tampering with public records is a criminal offense. *Bankier v. 1<sup>st</sup> Fed'l Savings & Loan Assn*, 167 Ill. Dec. 750, 225 Ill. App. 3d 864, 588 N.E. 2d 391 (1992). Injunction. 18 U.S.C., Sec. 1345.

C. Conspiracy. Defendants and each of them acted in a conspiracy to defraud Petitioners of their home, IRA, down payments federal agencies of millions of dollars in false claims

and unjustly enrich themselves, violating federal statutes. Proof not required. 18 U.S.C., Sec. 371, 1343-1346. (**Doc. 1, pp 18-20**) Defendants and each of them were willing participants in their conspiracy to commit fraud to unjustly enrich themselves under color of law, to which conspiracy can be inferred. *Quinones v. Score*, 771 F. 2d 289, 291, (7<sup>th</sup> Cir., 1985); *Burns v. Cineplex Odeon, Inc.*, No. 95 C 5280, 1996 WL 501742 @ \*8 (N.D. Ill. 09-03-1996); *Kunik v. Racine County*, 946 F.2d 1574, 1580 (7<sup>th</sup> Cir. 1971) (**Doc. 25, p. 8**)

**3. The Dismissals by the District Court and Appeals Court under *res judicata* are erroneous and inconsistent with both State and federal law, including prior decisions by 7<sup>th</sup> Circuit, all Respondents in privity under collateral estoppel.**

The District Court and Appeals Court can exercise subject matter jurisdiction in which state law determines whether the defendant prevails under principles of preclusion. *GASH Associates . v. Rosemont*, 995 F.2d 726, 728 (7<sup>th</sup> Cir. 1003); accord *Noel v. Hall*, 341 F.3d 1148, 1163-1164 (9<sup>th</sup> Cir., 2003) The 7<sup>th</sup> Circuit ruled against its own prior decisions. (**APP. C**) Plaintiffs again defend their action under the doctrine of *res judicata*, and again the 7<sup>th</sup> Circuit erroneously ruled against its own prior decision(s) in that prior judgment was rendered in *Torres v. Wells Fargo Home Mortgage, Inc.*, No. 1:13-cv-05542. (**Doc. 1, EX. 12**) (APP. C, pg. 3) *Robbins v. MED-1 Sols*, LLC, 13 F.4<sup>th</sup> 652, 656 (7<sup>th</sup> Cir. 2021) At issue is whether Petitioners received a final judgment on the merits, since Petitioners were denied a jury trial or any trial in both State and federal cases, denied both substantive and procedural due process., even though same parties are involved and/or became involved after judgments, as required. (**Doc. 1, pp. A, 9. 9) A & R Janitorial v. Pepper Constr. Co.** , 124 N.E.3d 962, 966 (Ill. 2018) (**APP C, pg. 3**) Also, the 7<sup>th</sup> Circuit failed to take into consideration that Petitioners' Complaint involves violations of federal statutes and U. S. Constitution (civil rights violations as to race, color, Afro-Americans, Hispanics-Latinos, incorrect ethnicity and nationality, elderly, females and disabled),

which grants jurisdiction in federal court, stated in Order by Illinois Supreme Court, by Judge Nathaniel Howse whose law firm settled case on same issues with World Savings/**Wells Fargo** in 2004 for Petitioner **Rosee Torres'**, also former employee of law firm, former employer and attorney who settled case. (**Doc. 1, pp. 29, EX. 8-A; Doc. 1, EX. 13**) Petitioners argue this is a breach of fiduciary relationship, conflict of interest and unethical, addressed in Section 6.

Federal District Court under Judge Andrea Wood dismissed Petitioners case without prejudice. USDC-ND of Illinois on April 5, 2019: No. 19-cv-00112. (**APP. R**) Petitioners then refiled in federal court because of violations of U. S. Constitution and federal statutes.

The 7<sup>th</sup> Circuit and District Court's decisions are inconsistent with and contrary to federal decisions and erroneously failing to address the above federal issues in their entirety and erroneously deciding that Petitioners are *res judicata* but defendants are not.

The State Supreme Court, federal district court and 7<sup>th</sup> Circuit all have inconsistent decisions: )a) State Supreme Court stated that Petitioner's 2013 action was *res judicata*, but erroneously failed to state that Defendants' foreclosure of 2016 was *res judicata*. (**Doc. 1, EX. 8-A, pg. 7**) (b) Illinois Supreme Court is in error in same document that Petitioners did not provide counter-affidavit as to discrimination , which was included in the Answer and Counter-Complaint which the Judge denied. (c ) The state Supreme Court granted Petitioners filing of jury trial in appeal #1-19-cv-0338, which Judge Sullivan in state court denied with no opportunity for discovery, mediation. That same order erroneously threatened Petitioners with sanctions and their claims frivolous, agreeing with Respondents that "they owned the courts and clerk's office". Petitioners' allegations that Defendant **Wells Fargo** embezzled IRA funds and were also dismissed, the court erroneously relying on the State court's denial of discovery, denial of counter-complaint, missing documents in record, and defendant **Wells Fargo's** lack of

production on a fake “computer glitch” (**Doc. 25, EX. 2-A to 2-D**), with threats of eviction, arson, arrest, imprisonment in one of **Wells Fargo’s** private prisons, deportation (**Torres** are U.S. born citizens), and committing violence by physical assaults, two break-in and home invasions as from June 2021 to November 2021 to force Petitioners to abandon both their home and their appeals, the latter too late to put in State appeal. (**Doc. 1, pp. 19-20; Doc. 25, EX. 2-A to 2-D**) **Wells Fargo** further intimidated Petitioners by providing Petitioners with documentation, volunteering information that state Judge Sullivan and/or his relative was employed by **Wells Fargo** law firm, Seyfarth Shaw (**Doc. 1, p. 29, EX. 8-B**), and that federal Judge Mary Rowland’s relative, David Rowland, was employed attorney at **Wells Fargo** law firm, guaranteeing sanctions, blackmail and extortion against Petitioners. (**Doc. 1, EX. 22; APP. A to F**)

The District court and 7<sup>th</sup> Circuit’s decision of *res judicata* is erroneous and inconsistent with 7<sup>th</sup> Circuit’s prior decisions and other jurisdictions that a fraud upon the court is not a final decision at all, and never becomes final as to summary judgments, applicable to 2016-ch-05738). **Kenner v. C.L.R.**, 387 F. 3d 689 (1968); 7 **Moore’s Fed’l Law Practice**, 2d, P. 512, Para. 60.23; **Bullock v. United States**, 786 F.2d 1115, 1121 (10<sup>th</sup> Cir. 1985). (**Doc. 1, pp. 25**)

The District Court and 7<sup>th</sup> Circuit’s decisions are contrary and inconsistent with the doctrine of collateral estoppel, which elements Petitioners have met: **(a)** A legal relationship existed and still exists between the parties; **(b)** Petitioners relied to their detriment on multiple representations and promises (all broken and breached) up to November 2021 by Defendants of existing facts; **(c)** reliance(s) were based on Defendants’ legal and financial superiority; **(d)** unconscionability, no general restrictions on breaking promises. **Novak v. St. Rita High School**, 197 Ill.2d 381 (2001); **Mt. Mansfield Ins. Group, Inc. v. American Int’l Group, Inc., et al**, Ill. App. Ct., 1<sup>st</sup> Dist., Mar. 30, 2007). This ruling applies to not only matters that were

actually litigated, but to matters that should have been litigated. *Woolsey v. Wilson*, 298 Ill. App. 3d 582, 3<sup>rd</sup> Dist. 1998 which also applies to Defendants fraudulently switching documents from 3546 West Beach to 3542 West Beach and 3550 West Beach and fabricating and creating a foreclosure, as alleged. *Dowrick v. The Village of Downers Grove, et al*, 362 Ill. App. 512 (2005); *Cabrera v. 1<sup>st</sup> Nat'l Bank of Wheaton*, 324 Ill. App. 3d 85 (2<sup>nd</sup> Dist., 2005). (Doc. 1, p.25)

Defendants' scheme to defraud Petitioners and Federal government of millions of \$\$\$ extended to rents, sales, purchases to Asians, Middle-Easteners (Arabs), Muslims, and LGBTQ to enforce its "*Nigger Removal Plan*" and "*Whites Only Policy*" as to discrimination by race, color, gender, ethnicity, age, disability, etc., through courts (attorneys and judiciary) violated U.S. Constitution and civil rights statutes. Civil Rights Acts of 42 U.S.C., Sec. 1964, 42 U.S.C., Sec. 1981(a), 42 U.S.C., Sec. 1983, 42 U.S.C., 1985, 42 U.S.C., Sec. 1986. *Dominos Pizza v. McDonalds*, 546 U.S., 470, 476 (2006); *Tamayo v. Blagoyevich*, 526 F. 3d 1074, 1081 (7<sup>th</sup> Cir. 2008); *In re Bontkowski*, 785 N.E. 2d 126, 131 Ill. Crt App. (2003). Racist acts further violated 18 U.S.C., Sec. 1002, 18 U.S.C., Sec. 1007, Sec. 1010, Sec. 1012, Sec. 1021, Sec. 1031, Sec. 1037. (Doc. 1, p. 18)

The District Court and 7<sup>th</sup> Circuit erroneously failed to apply Supplemental Jurisdiction as to state claims allowed by federal statute. 28 U.S.C., Sec. 1637; 18 U.S.C., Sec. 1341. (Doc. 1, p. 18) **No Illinois foreclosure guidelines were addressed. IL Sup. Crt Rules 113, 114 & 99.1.**

Under Illinois law, the entire proceeding or attempts or success in obtaining such an order or judgment by fraud is VOID. *People of the State of Illinois v. Fred F. Sterling*, 357 Ill. 354, 192 N. E. 229 (1934); *Allen F. Moore v. Stanley F. Sievers*, 336 Ill. 316, 168 N.E 2d 259 (1929); *In re Village of Willowbrook*, 37 Ill. App. 2d 93 (1962); *Shelly Oil v. Universal Oil Products*, 338 Ill. App. 79, 86 N. E. 2d 875, 883-884 (1949). (Doc. 1, pp. 25-26) **All Respondents "in privity" by collateral estoppel. *Lowe v. AB Freight Lines*, 175 Ill. 2d 176 (1997).**

**4. Respondents violated multiple sections of Uniform Commercial Code:**

Respondents violated Sec. 3 of the **Uniform Commercial Code** by failing to secure their fabricated mortgage, foreclosure, summary judgment and sale by not filing or recording a contract, lien, assignment, indorsement or allonge. UCC, Sec. 3; Respondents violated Sec. 8 of the **Code** by not filing tangible, original instrument, only electronic robo-signature. Respondents violated Sec. 9 of the Code in that robo-signatures are non negotiable. The fabricated mortgage re 3546 West Beach and applications for 3542 and 3550 West Beach by electronic, did not include Noel Torres as a party to forged mortgage, but included him in foreclosure, summary judgment, rigged sale by Intercounty from **Wells Fargo to Mr. Capitol Group**. by (corrupt) court, in conspiring TO DEPRIVE Torres of property, violated Sec. 3-201(b), 309 and 419(d).

**5. The District Court and the Appeals Court's dismissal of the Complaint as to violations of Civil Rights Acts is inconsistent with State and Federal statutes as well as prior decisions by the 7<sup>th</sup> Circuit and of the U. S. Supreme Court.**

Petitioners have alleged discrimination by defendants as to Petitioners' race, color, Afro-American/Black, Hispanic/Latino, female, elderly, disabled violations of the Civil Rights Acts of 1964, 42 U.S.C., Sec. 1964, 42 U.S.C., Sec. 1981, 1983, 1985, 1986, 2000(a). (**Doc. 1, pp. x, 4, 11, 12, 16, 17, 21 & 29**). The District Court and 7<sup>th</sup> Circuit are erroneous in declaring that these matters must be in State Court or that they are *res judicata* when multiple acts and discovery took place after the judgments to and through 2021 and during the appeals. These federal statutes grant jurisdiction in federal court. (**Doc. 1, pp. 4, 11, 12,16,17, 18, 21 & 29**)

Further interference of civil rights acts by Respondents' agents which took place from 2020-2021, too late to include in the Complaints of anti- semitic plus racial slurs to Petitioners re the Sephardic Jewish surname of "**Torres**", that Petitioners should be "kicked out of America like being kicked out of Spain in 1492," violating 18 U.S.C., Sec. 242 & 1367; 13<sup>th</sup> Amendment.

The 7<sup>th</sup> Circuit erred in deciding that the issue of race was unrelated to Petitioners' issues of vacating and abandoning 3546 West Beach and refusal to provide mortgages for purchases of 3542 West Beach and 3550 West Beach in a newly gentrified neighborhood because of Petitioners' race (Blacks, Afro-American, Hispanics) , ethnicity, color, and need to enforce its "***Nigger Removal Plan***" and "***Whites Only Policy***" revealed as late as November 2021 during 2 home invasions/break-ins and physical assaults, terrorizing and traumatizing Petitioners who are still under medical care from said acts, ordering "all Niggers and Spics out in ten minutes", considered a hate crime. (**APP. E**) (**Doc. 1, pp. 4, 11, 12, 16, 17, 18, 21, 29**) Petitioners alleged that Defendants' agents acknowledged in Spanish and English to Rosee Torres, who speaks both Spanish and English, that Defendants were acting under **Wells Fargo's "Nigger Removal Plan" and "Whites Only" Policy**". The District Court and 7<sup>th</sup> Circuit were biased in addressing **Rosee Torres'** race as "Afro-American" married to an Hispanic in favor of and cover for Defendants, as both Petitioners are of Puerto Rican/Cuban descent. (**APP. A,E**) Defendants also applied anti semitic slurs re the Sephardic Jewish surname "Torres", demanding to know the names and addresses of Jewish attorneys helping Petitioners.

Both state and federal court failed to consider that the fabricated mortgage, foreclosure, summary judgment in state court was for Case No. 2016 ch-5738, re 3546 West Beach, was for account #0027028734. (**Doc. 1, EX. 16**) Account # for purchases of 3542 West Beach and 3550 West Beach was 0483107462. (**Doc. 25, EX. 5**) Fifteen other fraudulent accounts in which numbers are switched are in **Doc. 1, EX. 17-21** **Doc. 1, p. 8, Doc. 1, EX. 6-21**) District Court and 7<sup>th</sup> Circuit erroneously joined all three properties together ---ownership of Petitioners' Due Process was violated 3546 West Beach in which foreclosure and judgment was issued to the application for purchase of 3542 West Beach and 3550 West Beach

in which no issues or judgments were discussed or entered. Defendants provided no original documents, contracts, liens, or assignments in state or federal court based on the defense of documents being lost or destroyed in a "computer glitch," the courts allowing Defendants' to submit computerized, undated, un-executed, un-initialed blank World Savings forms. (**Doc. 25, EX. 2-A, 2-B, 2-C, 2D**; This was a cover-up as to the fraudulently fabricated and altered documents **Wells Fargo** conducted on a mass basis to evade and violate **RESPA**. Title 12, Ch. 27, 12 U.S.C. 2601-2617. (**Doc. 25, EX. 2-E**) Again, petitioner **Noel Torres** was not named on negligently and carelessly not named on the fabricated mortgage , summary judgment and sale of 3546 West Beach, the forged documents, but named on the summary judgment and sale of 3546 West Beach all courts erroneously ailed to address. Petitioner not permitted to buy, rent or sale to non-whites. (**Doc. 1, pp. 1, 2, Doc. 1, EX. 8-A, 16; APPS, A, B, C, D, E, F, G, K-1, L**)

Petitioners have alleged Defendants and each of them by their misconduct and in a conspiracy to defraud Petitioners and Federal government of millions, violated the **Fair Housing Act of 1968**, 42 U.S.C. Sec. 3601-3619, amended in 1988 & 1995 *et seq*; 42 U.S.C., Sec. 1349, 1985; **Civil Rights Act off 1964**, Title 42, H.21; 42 U.S.C. Sec. 2000(a). (**Doc. 1, pp. 16-18**)

Defendants outrageous conduct interfered with Petitioner' civil rights. 18 U.S.C., Sec. 1367, Ch. 85; 18 U.S.C., Sec. 134. (**Doc. 1, pp. viii, 18**)

**6. Petitioners 'Substantive and Procedural Due Process were violated when denied jury trial, discovery and equal protection.**

Petitioners' constitutional rights were violated when they were deprived of their right to a jury trial guaranteed under 6<sup>th</sup> & 7<sup>th</sup> Amendments and equal protection under the 14<sup>th</sup> Amendment in both State and Federal District court as alleged in the Complaints and appeals. (**Doc. 1, pp. vii, 8,9,10, 11, 12**) Both courts failed to address these issues. **The courts' denial of**

**Petitioners' Procedural due process was a violation of federal U.S. Constitution. (Doc. 1, pp. 8-12) The Courts violations of Petitioners; substantive due process while defendants acted under color of law also violated the U. S, Constitution. (Doc. 1, p. 12)**

**7. District Court has jurisdiction re fraud and multiple other federal statutes.**

a. **False Claims Act.** The state court's fake, fabricated foreclosure on 3546 West Beach was a mere cover-up in denying Petitioner, Rosee Torres', mortgage for 3542 West Beach and 3550 West Beach, which would deny Petitioners right to overturn a state court claim/judgment in federal court, while at the same time including Noel Torres in the fabricated foreclosure even though he is not named or a party to the fabricated mortgage. Defendant, **Wells Fargo** and its defendant conspirators, fake, sub-prime predatory mortgage, summary judgment and sale are false claims which comes under the jurisdiction of the **District Court. 31 U.S.C., Sec. 3725-3733 (Doc. 1, p. 19-20); 740 ILCS 175/1**

b. **Fair Debt Practices Collection Act (FDPCA).** Defendants' acts of ruining Petitioners' credit by extremely abusive, oppressive and unconscionable conduct alleged above violated FDPCA. 15 U.S.C., Sec. 1692(i), Sec. 806, 807, 808; Title V of the **Graham Leach Bailey Act**; 15 U.S.C., Sec. 6801 *et seq.*; 15 U.S.C., Sec. 1692(h), Sec. 809, 810, 811, 812; 18 U.S.C., Sec. Ch. 47, (Doc. 1, pp. 20-22) Fraudulent Concealment is that Petitioners never had mortgage with **Wells Fargo**, which evidence of mortgage it failed to produce 735 ILCS 5/13-215.

c. **Equal Credit Opportunity Act.** Defendants have destroyed Petitioners' Credit, having acknowledged to Petitioners that Afro-American/Blacks are poor credit risks and the bank had problems selling homes in neighborhoods where blacks and Hispanics resided, a reason for enforcing their "**Nigger Removal Plan**" and "**Whites Only Policy**" with the aid of cooperative judges, court clerks , auctions and out of state, unregistered or licensed mortgage

companies (**Mr. Capitol Group**) specifically steering cases. This included Defendants' agents presenting Petitioners with documents indicating that they were able to sell 3542 West Beach and other local sales for nearly one half million dollars based on Petitioners' move, evicted or abandonment, an amount they could not get from a non-minority family. (**Doc. 1, p. 22**) Petitioners would be denied discovery, unable to produce said documents. Defendants violated federal Equal Credit Opportunity Act. 15 U.S.C., Sec. 1601 *et seq.*; *RESPA*. (**Doc. 1, pp. vii, 22-23**)

*d. Truth-in-Lending Act.* Defendant **Wells Fargo** intentionally, willfully and maliciously failed to disclose its "*Nigger Removal Plan*" and "*Whites Only Policy*" or the "computer glitch" which it claimed destroyed all documents which pertain to minorities as a protected class, as Petitioners, in violation of the Truth-in-Lending Act and *RESPA*. 15 U.S.C., Sec. 1601 *et seq.* Regulation X, 12 U.S.C., Sc. 2505(f); 12 C.F.R., Sec. 1024.41(a); No 'loss mitigation review, 12 C.F.R., Sec. 1024.41(b)(c); prohibition of sales, by mortgage servicers as \*\*\*\*C **Wells Fargo**, 12 C.F.R., Sec. 1024.41(g); prohibiting rental, sales and purchases by race, color, ethnicity, gender, age, etc., 24 C.F.R, 1026 *et seq.*; 42 U.S.C., Sec. 1981. (**Doc. 1, p. 22-24**)

**8. District Court and 7<sup>th</sup> Circuit failed to consider Illinois statutes, including, but not limited to Illinois Mortgage foreclosure Act.**

**A. Genuine Issues of Material Facts Remain.** The lower courts failed to enforce State and District Court statutes in effect which protect Petitioners, as to the genuine issues of material facts which remain throughout. *Doyle v. Cross Hospital*, 186 Ill. 2d 104, 109-10, 708 N.E. 2d 1140, 1144 (1999); 735 ILCS 5/2-619(c). (**Doc. 1. pp. vi, p. B**)

**B. Illinois Mortgage Foreclosure Act. (i)** Defendant **Wells Fargo** intentionally failed to produce original contract, original lien, indorsement, assignment or allonge, falsely claiming "computer glitch" as to 3546 West Beach, when it actually had no contract or

mortgage with Petitioners, which was fraudulently concealed. (ii) Defendant also failed to give default date in its fabricated foreclosure as required by the Act. It failed to provide or give grace period as required by the Act. (iii) Defendant failed to give Petitioners 10 day notice prior to sale, notifying Petitioners by phone explaining Petitioners did not speak English. The State foreclosure is therefore NULL and VOID. *Kingsley v. Roeder*, 2 Ill.2d 131, 17 N.E. 2d 82 (1954); 735 ILCS 1101 *et seq*; 735 ILCS 5/15-1506 & 1508(b) (West); Sec. 13-115, Code of Civil Procedures. (Doc. 1, pg. 26); (iv) Petitioners' filed counter-complaint in state court in 2016 (2016-ch-05738) to comply with seven (7) year statute of limitations re judgments and five (5) year statute of limitations re fraud, which court dismissed. 735 ILCS 5/12-108(a). (Doc. 1, p. 27) *McCarter v. State Farm Mut. Auto Ins. Co.*, 130 Ill. App. 3d 97, 100 (1985); *Consumer Fraud & Deceptive Act*, 815 ILCS 505/2; (v) The trial court violated Act when it refused to grant Petitioners' request to transfer case to another judge or federal court. *Partipilo v. Partipilo*, 331 Ill. App. 3d 394, 398, 770 N.E. 2d 113, 114 (1<sup>st</sup> Dist., 2002). (vi) The trial court violated act when it refused Petitioner's request for Discovery, Petitioners' right, based on "it was too time consuming" and defendants' records lost in disputed "computer glitch". *Industrial Coatings Group v. American Motorist Ins. Co.*, 276 Ill. App. 3d 799, 813, 658 N.E. 2d 1338, 1347 (1<sup>st</sup> Dist., 1995); *Cohen v. Blockbuster*, 351 Ill. App. 3d 772, 776-777, 814 N.E. 2d 933, 936-937 (1<sup>st</sup> Dist. 2004) This was an abuse of discretion and inconsistent with prior rulings. (Doc. 1, p. 27)

C. Conspiracy. Under Illinois law, direct proof is not required in a conspiracy. (Doc. 25, pp. iii, 11) *Scott v. Aldi*, 301 Ill. App. 3d 234 Ill. Dec. 665, 703 N.E. 2d 526 (1<sup>st</sup> Dist., 1998) Nor is it required under federal law when violating U. S. Constitution under 7<sup>th</sup>, 13<sup>th</sup> & 14<sup>th</sup> Amendments. *Airborne Beepers & Video v. A T & T Mobility*, 499 F.3d 663, 667 (7<sup>th</sup> Cir. 2007) The 7<sup>th</sup> Circuit erred in failing to address Conspiracy adequately or at all. Respondents violated Fraudulent Concealment Act, as Petitioners had no mortgage.

**9. Unethical conduct by Attorneys and Judiciary at issue.**

**A. Judge Mary Rowland.** The District Court and Appeals Court erroneously failed to consider the conflicts of interest, lack of fairness and impartiality as to District Court judge Mary M. Rowland's relative, David Rowland, was employed as attorney for defendant, **Wells Fargo**, which Defendant disclosed was their guarantee of victory. Judge Rowland should have recused herself in this case, but did not. **(Doc. 1, pp. 12, 29, EX. 22; Doc. 25, p. 5, 13); Fed'l Rules of Professional Conduct, LR83.28-50.1. Undue and impartial judicial influence are grounds for review. *Connick v. Suzicki Motor Co.*, 174 Ill. 2d 482, 500, 675 N.E. 2d 584, 593 (Ill. 1996). (Doc. 25, p. 10; p. 29))** 28 U.S. C., Sec. 455 and 144; 28 U.S.C., Sec. 64; Sec. 351-364.

**B. State Appeals Judges Nathaniel Howse and R. Scott Neville.** The latter should have recused themselves rather than rendering decisions of DENIAL on same issues in which they were attorneys and/or in same law firm which settled the case or **Rosee Torres** in 2004. **(Doc. 1, 13)** and assisted in obtaining Certificate of Release in 2007, as well as law firm who employed **Rosee Torres**, a court reporter, translator (Spanish- English),and paralegal with law firm -- a conflict of interest, breach of fiduciary duties, outright misconduct, unethical and betrayal. **(APP. 13) IL Code of Professional Conduct, Rules 3.3(a), 8(a). (Doc. 1, p. vii, 29,30; Doc. 25, p. 5) APP. 8-A.; Illinois Supreme Court Rule 137; 28 U.S.C., Sec. 351-364, 28 U.S.C., Sec. 455 & 144.**

**C. State Trial Court Judge Wm B. Sullivan.** The judge and/or his relative was an employee/attorney for **Wells Fargo's** current attorneys, Seyfarth Shaw in 1992, according to **Wells Fargo**, which is a conflict of interest and not impartial in 2016-ch-05738. **(Doc. 1, APP. 8-B) (Doc. 25, p. 5)** This is judicial misconduct. 28 U.S.C., Sec. 351-364; 28 U.S.C., Sec. 455 & 144.

**D. Attorneys Edward Peterka & Josh Knoesher of Manley Deas & Kochalski, LLC.**  
Both attorneys negligently failed to research and filed false pleadings as the fabricated

mortgage, obtaining a summary judgment and sale of 3546 West Beach from false documents. In state Court (2016-ch-05738) and appeal 19-1718. This violates Illinois Code of professional Responsibility, Rules 3.3(a) and 8(a). (**Doc. 1, p. 28**)

**E. Attorney Robert Metz.** Attorney filed appearance in federal court for **Mr. Capitol Group, LLC** although he is not registered/licensed to practice in federal court. (**Doc. 6, 16**) He filed no Disclosure Statement regarding his client, **Mr. Capitol Group, LLC**, a mortgage company without a disclosure statement, is not registered in the State of Illinois. This attorney is subject to discipline in violation of federal law. (**Doc. 1, p. 30**) **LR83.28 – 50.1. Mr. Metz** presented himself at 3546 West Beach in November 2021, representing Andrew Smith of Mr. Capitol who broke into Torres' residence at 3546 West Beach, Chicago and attacked Rosee when kicking door into her and physically attacked Noel on porch of the residence, violating IL Rule 3.3, *id.*

**F. Geofrey Pipoly of Mayer Brown.** This attorney represented **Wells Fargo** and filed Order(s) without having to file appearance in state court, in violation of Illinois Code of Professional Conduct, Rules 3.3(a) and 8(a). (**Doc. 1, p. 30**) **APP. 21.**

#### **10. Respondents profit from violations of Security Fraud**

All Respondents profit from the illegal embezzlement of **Rosee Torres'** down payment on 3542 and 3550 West Beach which Respondents promised as late as February 2021 would be transferred to her IRA account. They lied. Violations of by fraudulent concealment and securities and Commodities fraud are alleged. 735 ILCS 5/13-215; 18 U.S.C., Sec. 1348, 1349.

#### **11. Newly Discovered Evidence after Summary Judgment or Dismissal**

Petitioners have newly discovered evidence after the state court Summary Judgment and sale of February 26, 2018 and January 4, 2019, , after the Appeals and denials of Illinois Appellate Court and Supreme Court and after District Court and 7<sup>th</sup> Circuit decisions,

much supplied by Respondents during appeals and from offices of Petitioners' prior attorneys which were not accessible when discovery and/or amended complaint not granted and documents to which Petitioners had no access. Several of Petitioners' former attorneys are since deceased. The Court granting discovery and amended complaint I consistent with 7<sup>th</sup> Circuit and other circuits and erred in not granting same: **Parker v. Parker**, 950 So. 2d t 391 (Fla. 2007); **Long Shore Bank Dev. Corp.**, 182 F.3d 548, 561 (7<sup>th</sup> Cir., 1999). (**Doc. 1, pg. B**)

#### **12. Illinois Statutes Applicable to Petitioners' Claims**

The State, District and Appeals courts erroneously failed to apply Illinois statutes and Laws and guidelines to Petitioners' case, including Respondents failure to follow guidelines of Illinois Foreclosure Law. 735 ILCS 1101 et seq. Petitioners allege that Illinois Fraud Law applies to Respondents misconduct and illegal, criminal acts detailed above. 735 ILCS 5/12-11000. Petitioners filed their litigation to be within the 5-year statute of limitations for the multiple breaches of oral promises made by Respondents from 2015 to 2021. 735 ILCS 5/12-108(a) and the 10 year statute of limitations on written contracts 735 ILCS 5/13-206. Petitioners did not the guarantees or receive the Homeowners Protection Rights as to notice, right to jury trial, right to discovery, right to mediation (although Wells Fargo falsely claimed of a "mediation", failed to give default date re foreclosure complaint, failed to Reply to Petitioners' Motion for Stay of eviction and physical violence (**Doc. 26, 27**) by Respondents and their agents, during State and federal court, in violation of 735 ILCS 5/15-1502.5. The State and Federal appeals courts erred in not finding the Respondents' acts and judgment re fake foreclosure, sales, denial of mortgage and purchases of other property, fraudulent and void, retaliating by sanctions by partial judiciary for seeking the court's assistance. Respondents use their superior financial and business status as tools to deprive Torres and others of protected classes of their property.

735 ILCS 5/12-100; 735 ILCS 5/15-1506; 735 ILCS 5/15-1508(b)(West) 815 ILCS 5/1-505/2.

Respondents' acts and misconduct are violations of the Illinois Human Rights Act, 775 ILCS 5/1-101, 5/7a-102(A)(1). Respondents should not be allowed to foreclose on victims under the defense of a "computer glitch" as reason it cannot produce documents evidencing a mortgage. (Reply, **Doc. 27, EX.2-B, 2-C, 2-D**) Respondents should be accountable for emptying accounts and fabricating and altering mortgage documents. (Reply, **Doc.27, EX. 2-A, 2-E**)

#### **REASONS FOR GRANTING THE PETITION**

a. The United States Court of Appeals has entered decisions in conflict with decision of not only another United states Court of Appeals and U.S. Supreme Court on the same important matter but its own decisions, and has decided important federal questions in ways that conflict with state court decisions of last resort.

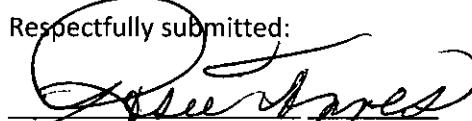
b. It has departed from the accepted and usual course of judicial proceedings and sanctioned with such a departure of lower courts as to call for an exercise of this court's supervisory power granting *pro se* petitioners rights to the judicial system. 28 U.S.C., Sec 1915(d)(g).

c. The state court and the united States Court of appeals have decided on Genuine questions of law that have not been, but should be, settled by State, Federal (USDC-ND) and 7<sup>th</sup> Circuit court, as those decisions conflict with decisions of this court.

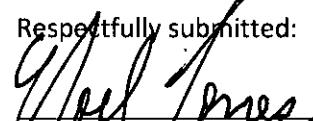
#### **CONCLUSION**

The petition for writ of certiorari should be granted.

Respectfully submitted:

  
Rosee Torres, pro se. Petitioner  
Appellant

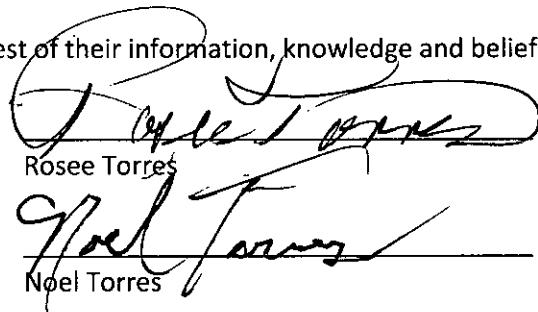
Respectfully submitted:

  
Rosee Torres, pro se, Petitioner  
Appellant

**VERIFICATION**

The undersigned certifies that the Writ of Certiorari was by them subscribed, and the contents therein are correct and true to the best of their information, knowledge and belief.

Date: March 12, 2022



Two handwritten signatures are shown. The top signature is "Rosee Torres" and the bottom signature is "Noel Torres". Both signatures are written in cursive ink and are enclosed in a single, continuous, hand-drawn oval line.

99500

ROSEE TORRES & NOEL TORRES  
Petitioners-Appellants – Pro Se  
3546 West Beach Avenue  
Chicago, IL 60651  
1-773-384-9122

NO.

IN THE SUPREME COURT OF THE UNITED STATES

---

ROSEE TORRES & NOEL TORRES, Petitioners

VS.

WELLS FARGO BANK, N.A., ETC., ET AL, Respondents

---

**CERTIFICATE OF SERVICE**

It is hereby certified that all parties required to be served have been served with copies of the Writ for Certiorari via U. S. Priority Mail, postage prepaid, this 12<sup>th</sup> day of March, 2022:

\*United States Supreme Court, Office of the Clerk, Washington, D.C 20002 (original & one)

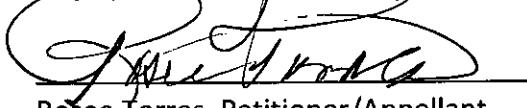
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\*Robert Metz, Attorney at Law, 17 North Wabash Avenue, #660-B, Chicago, IL 60602

As required by Supreme Court Rule 33.1(h), we certify that the document contains 29 pages, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d), 11 point type. Appendix not included and separately bound. We declare under penalty of perjury that the foregoing is true and correct. Executed on March 12th, 2022.



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