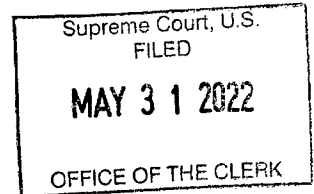


NO. 21-7377  
*IN THE*  
**SUPREME COURT OF THE UNITED STATES**



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ROSEE TORRES AND NOEL TORRES,

*Petitioners*

VS.

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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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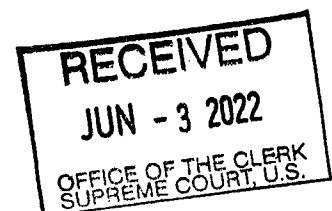
On Petition for a Writ of Certiorari  
To the United States Court of Appeals  
For the Seventh Circuit (#21-1818)

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PETITION FOR REHEARING

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99500  
ROSEE TORRES and NOEL TORRES  
Appellants-Petitioners, *Pro Se*  
Post Office Box 477962  
Chicago, IL 60647  
1-773-328-9140



## TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	i
PETITION FOR REHEARING: JURISDICTION.....	1
SUPPLEMENTAL STATEMENT OF FACTS.....	1
ARGUMENT.....	2
A. Rooker-Feldman Not Applicable to Petitioners' Litigation.....	2
B. Racketeer Influence & Corrupt Organization Act Violated by Respondents	2
C. Federal Rule 60 (Fraud) Voids Foreclosure.....	4
D. Disqualification of Justices Rowland, Nevilles & Howse.....	5
E. Circuit Court of Cook County Judge William B. Sullivan.....	5
F. Robert Metz of Mr. Capitol Group, LLC.....	6
G. Geoffrey Pipoly of Mayer Brown.....	6
H. Frederick Lappe/Nathan Lichtenstein of Intercounty Judicial Sales Corp.....	6
I. Manley Deas & Kochalski, LLC.....	7
J. Respondents Committed Hate Crimes Which Violated Petitioners' Civil Rights	7
K. Abuses of Discretion.....	7
L. Supplemental Standards of Review.....	8
M. Res Judicata & Collateral Estoppel Under Federal Jurisdiction.....	10
CONCLUSION.....	15
CERTIFICATE BY PETITIONERS.....	
PROOF OF SERVICE WITH CERTIFICATE OF COMPLIANCE.....	

# **APPENDIX**

**\*\*\*\*\* U.S. SUPREME COURT ORDER DENYING WRIT OF CERTIORARI 5-16-22**

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**APP. A, EX. A    EVICTION of Torres by Respondents Robert Metz & Mr. Capitol Group,  
04-21-2022**

**RELEASE: FORMER FBI DIRECTOR AIRS WARNING ABOUT ELDER FRAUD**

**APP.B, EX. B    MORATORIUM RE FORECLOSURES-GENERAL ADM. ORDER: GOV.  
PRITZKER: 2021-13 ILLINOIS, COVID-10 (IL) (See APP. 8: 2020-01)**

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**APP.1-A, EX. 1-A    Secretary of State Report: Mr. Capitol Group, LLC (No Record)**

**APP. 1-B,EX. 1-B    Secretary of State Report: MR Capitol Group, LLC (No Record)**

**APP. 2, EX. 2        Secretary of State Report: INTERCOUNTY SALES CORPORATION**

**APP. 3, EX. 3        Secretary of State Report: INTERCOUNTY JUDICIAL SALES CORP.**

**APP. 4, EX. 4        DISCLOSURE FROM RESPONDENTS: "Torres Surname "Sephardic  
Jew"**

**APP. 5, EX. 5        DECLARATION BY TORRES – 11-07-2021**

**APP. 6, EX. 6        DECLARATION BY TORRES – 04-18-2020**

**APP. 7, EX. 7        RECORDER OF DEEDS-PRINT-OUT: 3546 WEST BEACH AVE.,  
CHICAGO, IL (WITH FORGED, FABRICATED MORTGAGE)**

**APP.8, EX. 8        MORATORIUM-GENERAL ADMINISTRATIVE ORDER NO. 2020-01**

**APP. 9, EX. 9        TORRES HOMEOWNER INSURANCE STATEMENT-MAY 2022**

**APP. 10,EX. 10      TORRES PROPERTY TAX STATEMENT 2021 (PAID 02-2022)**

**APP. 11,EX. 11      NEWS: Disclosure "Wells Fargo Bank's massive foreclosure fraud."  
August 11, 2011 Disclosure**

**APP. 12,EX. 12      NEWS: "This Is How Wells Fargo Encouraged Employees to Commit  
Fraud"**

## TABLE OF AUTHORITIES

<b>Abbott Labs v. Mead Johnson &amp; Co.</b> , 971 F. 2d 6, 11 (7 <sup>th</sup> Cir., 1992).....	12
<b>Airborne Beepers &amp; Video v. A T &amp; T Mobility</b> , 499 F. 3d 663, 667 (7 <sup>th</sup> Cir., 2007).....	10
<b>Ashcroft v. Iqbal, Inc.</b> 556 U. S. 662, 129 S. Ct. 1937, 1949, 173 L. Ed. 2d 868 (2009)... (quoting <b>Bell Atl. Corp. v. Twombly</b> , 550 U. S. 554, 570, 127 S. Ct. 1955, 167 L. Ed. 2 <sup>nd</sup> 929 (2007)).....	9
<b>Barone v. Wells Fargo Bank, N. A.</b> , 709 F. App'x 943 (11 <sup>th</sup> Cir., 2017).....	3
<b>Bell Atl. Corp v. Twombly</b> , 550 U. S. 544, 570, 127 S. Ct 1955, 167 L. Ed. 2d 929 (2007)	9, 10
<b>Betty K. Agencies, Ltd. V. M/V MONADA</b> , 432 F. 3d 1333, 1337 (11 <sup>th</sup> Cir., 2005).....	7
<b>Bolin v. Story</b> , 225 F. 3d 1234, 1239 (11 <sup>th</sup> Cir. 2000).....	5
<b>Brown v. Chote</b> , 411 U. S. 452, 456 (1973).....	14
<b>Boucher v. Bd. Of Sch. Dist. Of Greenfield</b> , 134 F. 3d 821, 826-27, 829 (7 <sup>th</sup> Cir., 1998)	12
<b>Campbell v. Air Jamaica, Ltd.</b> 760 F. 3d 1165, 1168-69 (11 <sup>th</sup> Cir., 2014).....	8
<b>Carpenter Tech Corp. v. City of Bridgeport</b> , 130 F. 3d 93, 97 (2 <sup>nd</sup> Cir. 1999).....	14
<b>Cook County v. Wolf</b> , 962 F. 3d 208, 221 (7 <sup>th</sup> Cir., 2020).....	13
<b>Cooper v. Aaron</b> , 358 U. S., 1, 78 S. Ct. 1401 (1958).....	5, 6
<b>Courthouse News Service v. Brown</b> , 908 F. 3d 1063, 1068 (7 <sup>th</sup> Cir., 2018).....	12
<b>Crawford v. Countrywide Home Loans, Inc.</b> 647 F. 3d 642, 646 (7 <sup>th</sup> Cir., 2011).....	3
<b>Curves, LLC v. Spalding Cty, GA.</b> , 685 F. 3d 1284, 1287 (11 <sup>th</sup> Cir., 2012).....	5
<b>D. C. Court of Appeals, v. Feldman</b> , 450 U.S. 462 (1983).....	2
<b>Domanus v. Locke Lord, LLP</b> , 847 F. 3d 469, 479 (7 <sup>th</sup> Cir., 2017).....	9
<b>Doeskin Products v. United Paper Co.</b> , 195 F. 2d 356, 358 (7 <sup>th</sup> Cir., 2011).....	13, 14
<b>Doss v. Clearwater Title Co.</b> , 551 F. 3d 634, 639 (7 <sup>th</sup> Cir., 2008).....	10
<b>Earle v. McVeigh</b> , 91 U.S. 503, L. Ed. 398 (1875).....	14

<b><i>Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc.</i></b>	831 F. 3d 815, 822 (7 <sup>th</sup> Cir., 2016)	9
<b><i>EnVerne, Inc v. Unger Meat Co.</i></b>	779 F. Supp. 2d 840, 844 (N .D. Ill. 2011)	14
<b><i>Erickson v. Pardus</i></b>	551 U. S. 89 (2007)	10
<b><i>Evans v. Ga. Reg'l Hosp.</i></b>	850 3 <sup>rd</sup> 1248, 1253 (11 <sup>th</sup> Cir.,) <i>cert denied</i> , 138 S. Ct. 557 (2017)	8
<b><i>Exxon Mobil Corp. v. Saudi Basic Industries Corp.</i></b>	544 U.S. 280, 125 S. Ct. 1517, 161 L.Ed. 2d 454 (2005)	10
<b><i>Flowers v. Burton Wells, Ltd.</i></b>	No. 01-CV-9306, 2002 WL 31307421 at *3 (N.D. Ill. Oct. 9, 2002)	3
<b><i>Frederikson v. City of Lockport</i></b>	384 F. 3d 437, 438 (7 <sup>th</sup> Cir., 2004)	3
<b><i>Fritz v. Johnson</i></b>	208 Ill. 2d 302, 317, 807 N.E. 2d 461, 470 (2004)	10
<b><i>Gibson v. Berryhill</i></b>	411 U. S. 564, 577 (1973)	11
<b><i>Glaski v. Bank of America</i></b>	5 <sup>th</sup> Cir., Calif. Court of Appeals (07-31-2013)	15
<b><i>Goforth v. Owens</i></b>	766 2d 1533, 1535 (11 <sup>th</sup> Cir., 1985)	7
<b><i>Hanson v. Denckla</i></b>	357 U.S. 235 (1958)	1,14
<b><i>Illinois Republican Party v. Pritzker</i></b>	20-2175, 2020 WL 5246656(7 <sup>th</sup> Cir., Sept. 3, 2020)	13
<b><i>In re K-mart Corp.</i></b>	381 F. 709, 713 (7 <sup>th</sup> Cir. 2004)	9
<b><i>In re Wachovia Corp. "Pick-a-Payment" Mortgage Marketing, etc.</i></b>	5:09-md-02015-jf ...	20,21
<b><i>In re Miss. Valley Livestock, Inc.</i></b>	745 F. 3d 299, 302 (7 <sup>th</sup> Cir., 2014)	9
<b><i>Johnson v. U. S. Dept. Of Agriculture</i></b>	734 F. 2d 744, 783 (11 <sup>th</sup> Cir., 1984)	14
<b><i>Johnson &amp; Johnson, Inc. adv. Inventory Mgmt, Inc.</i></b>	20-cv-3471, 2020 WL 5880136, at *7 (N.D. Ill. Oct. 2, 2020)	13
<b><i>Lendo v. Lektra-Vend Corp.</i></b>	97 U. S. 2881 (1977)	11
<b><i>Magnoleum Petroleum Co. v. Hunt</i></b>	U. S. 430, 438 (1943)	11
<b><i>Mays v. Dart</i></b>	20-1792, 2020 WL 53561651, at *9 (7 <sup>th</sup> Cir., Sept. 8, 2020)	13

<i>Menzies v. Seyfarth Shaw, LLP.</i> , 943 F. 3d 328, 336 (7 <sup>th</sup> Cir., 2019).....	9
<i>Meridian Mutual Ins. Co., v. Meridian Mutual Group, Inc.</i> , 128 F. 3d 1111, 1114 (7 <sup>th</sup> Cir., 1997).....	12
<i>Mich v. U. S. Army Corp. of Eng'g</i> , 667 F. 3d 765, 769 (7 <sup>th</sup> Cir., 2011).....	13
<i>Mitchum v. Foster</i> , 407 U. S. 225 (1972); 28 U.S.C., Sec. 2283; 42 U.S.C., Sec. 1983.....	11
<i>Monroe v. Pape</i> , 35 U.S., Sec. 167, Sec. 167 (1961).....	11
<i>Nero v. Mayan Mainstream Inv., LLC.</i> , 645 F. Appx. 864, 868 (1 <sup>th</sup> Cir., 2016).....	10
<i>Omega Satellite Products Co. v. City of Indianapolis</i> , 694 F. 2d 119, 123 (7 <sup>th</sup> Cir., 1982).....	13
<i>Optionmonster Holdings, Inc. v. Tavant Techs. Inc.</i> , No. 10 C 2792, 2010 WL 2639809 at *10 (N.D. Ill. June 29, 2010 (citation omitted).....	12
<i>Pampered Chef v. Alexanian</i> , 804 F. 2d 765, 803 (N.D., Ill. 2011).....	13
<i>Parts and Elec. Motors, Inc. v. Sterling Elec., Inc.</i> 866 F, 2d 228 (7 <sup>th</sup> Cir., 1988).....	9
<i>Pennoyer v. Neff</i> , 95 U.S. 714, 24 L. Ed. 565 (1877).....	2
<i>Purkey v. U. S.</i> , 964 F. 3d 603 (7 <sup>th</sup> Cir., 2020).....	13
<i>RWB Servs., LLC v. Hartford Computer Group, Inc.</i> , 539 F. 3d 681, 685 (7 <sup>th</sup> Cir., 2008)....	9
<i>Ransome v. Mimms</i> , 320 F. Supp. 1110 (D.S.C. 1971) .....	11
<i>Reed v. Village of Shorewood</i> , 704 F. 2d 943, 951 (7 <sup>th</sup> Cir., 1983).....	10
<i>Richardson v. Koch Law Firm</i> , P.C., 768 F. 3d 732, 734 (7 <sup>th</sup> Cir., 2014).....	1
<i>Roland Mach Co. v. Dresser Ind.</i> , 749 F. 2d 380, 387 (7 <sup>th</sup> Cir., 1984).....	12
<i>Rooker v. Fidelity Trust Co.</i> , 263 U.S., 413 (1923) & <i>D.C. Court of Appeals v. Feldman</i> , 460 U.S., 462 (1983).....	
<i>Smith v. Power</i> , 346 F. 3d 740, 742 (7 <sup>th</sup> Cir., 2003).....	10
<i>Steffel v. Thompson</i> , 415 U. S. 452, 460 (1974).....	11
<i>Stuller, Inc. v. Steak N Shake Enterprises, Inc.</i> , 695 F. 3d 676, 678 (7 <sup>th</sup> Cir., 2012).....	12
<i>Summers v. Singletary</i> , 119 F. 3d 917 920 (11 <sup>th</sup> Cir., 1997).....	5

<i>Sundance Land Corp. v. Cmty. First Fed. Sav. &amp; Loan Ass’n</i> , 840 F. 2d 653, 661 (9 <sup>th</sup> Cir., 1988).....	13
<i>Synamon v. Bernstein</i> , 517 A.2d 28, 43 (D.C. 1986).....	33
<i>Tamburo v. Dworkin</i> , 601 F. 3d 93, 700 (7 <sup>th</sup> Cir. 2010).....	2
<i>Taylor v. Fed. Nat’l Mortgage Ass’n</i> , 374 F. 3d 529, 532 (7 <sup>th</sup> Cir., 2004).....	1
<i>Torres v. Wells Fargo, etc., et al</i> – 19-cv-00112 (ILND, 2019).....	3
<i>Torres v. Wells Fargo, etc., et al</i> -20-cv-4138 (ILND, 12-15-2021 & 2022) Appeal: 21-7377	N/A
<i>U. S. v. Clark</i> , 656 F. 2d 1259, 1261-67 (8 <sup>th</sup> Cir., 1981).....	4,5
<i>U. S. v. Costellanos</i> , 610 F. Supp. 1359, 1396 (S.D.N.Y, 1985).....	4
<i>U. S. v. Doherty</i> , 867 F. 2d 47, 68 (1 <sup>st</sup> Cir., 1989).....	4
<i>U. S. v. Friedman</i> , 854 F. 2d 535, 561 (2 <sup>nd</sup> Cir., 1988).....	6
<i>U. S. v. Frumento</i> , 405 F. Supp. 23, 29-30 (E.D. Pa. 1975) <i>aff’d</i> . 563 F. 2d 1083 (3 <sup>rd</sup> Cir., 1977) <i>cert. denied</i> , 434 U.S. 1972 (1978).....	4
<i>U. S. v. Killip</i> , 819 F. 2d 1542, 1549 (10 <sup>th</sup> Cir., 1987).....	4
<i>U. S. A. v. Michael Madigan, et al</i> , 18 U.S. C., Sec. 371, 666(a)(1)(B), 1343, 1346, 1951, 1952, (a)(3), 1962(d) & *2 (2022).....	15
<i>U. S. v. Murphy</i> , 768 F. 2d 1518, 1531 (7 <sup>th</sup> Cir., 1985) <i>cert. denied</i> . 106 S. Ct., 1188 (1986)	4,15
<i>U.S.A. v. Regina Taylor</i> , 15 CR 578 USDC-ND-IL (2016) .....	15
<i>U. S. v. Stratton</i> , 649 F. 2d 1066, 1072-75 (5 <sup>th</sup> Cir., 1981).....	4,15
<i>U. S. v. Thompson</i> , 685 F.2d 993, 999 (6 <sup>th</sup> Cir., 1982) ( <i>en banc</i> ) <i>cert. denied</i> , 459 U. S. 1972 (1983).....	15
<i>U. S. v. Thompson</i> , 669 F. 2d 1143 (6 <sup>th</sup> Cir. ) <i>rev’d</i> 685 F. 2d 993 (6 <sup>th</sup> Cir., 1982) <i>en banc</i> <i>Cert. denied</i> , 459 U.S. 1072 (1983).....	4,14
<i>Univ. of Texas, v. Camenisch</i> , 451 U. S. 390, 395 (1981)(noting this is for ltd purpose)	14
<i>Vialva v. Watson</i> , 20-2710, 2020 WL 5586715 (7 <sup>th</sup> Cir., Sept. 18, 2020).....	13

<b><i>Wells Fargo Bank, N.A. v. Rosee Torres and Noel Torres, et al</i></b> , Circuit Court of Cook Cty, Chancery Dept (Foreclosure), No. 2016-ch-5738 (2018).....	3,5,6
<b><i>Whittaker v. Kenosha Unified School District No. 1, Board of Education</i></b> , 848 F. 3d 1034, 1046 (7 <sup>th</sup> Cir.,2017).....	13
<b><i>Winter v. National Resource Defense Council, Inc.</i></b> 555 U. S. 7, 20 (2008).....	12
<b><i>Workman v. Bell</i></b> , 245 F. 3d 849,852 (6 <sup>th</sup> Cir., 2001).....	**
<b><i>Younger v. Harris</i></b> , 491 U. S. 37(1975), 420 U. S. at 607-608 m. 18 .....	10
<b><i>Yvanova v. New Century Mortgage Corp.</i></b> , No. S218973 (Cal. Sup. Crt, 02-18-2016).....	15

### **Federal Statutes**

Civil Rights Acts of 1964, 1968.....	7
Federal Rules of Civil Procedure (FRCP) 1.....	9
Federal Rules of Civil Procedure (FRCP) 8(b) (Dismissals).....	8,
Federal Rules of Civil Procedure Rule 9.....	9
Federal Rules of Civil Procedure 12(b(6)).....	15
Federal Rules of civil Procedure (FRCP) 60, 609b) – (Fraud).....	2,4,9
Restatement (Second) of Judgments, Sec. 68. Sec. 68.1(b).....	11
Title 1331 of Title 28.....	11
7 <sup>th</sup> Amendment to U. S. Constitution.....	7
14 <sup>th</sup> Amendment to U. S. Constitution.....	7
15 U.S.C., Sec. 6611 (Tort/RICO Damages).....,	3
18 U.S.C., Sec. 241 (Hate Crime: Conspiracy Against Rights).....	6,7
18 U.S.C., Sec. 242 (Deprivation of Rights Under Color of Law).....	6
18 U.S.C., Sec. 245 (Hate Crime, Violent Interference with Federally Protected rights).	7



18 U.S.C., Sec. 249 (Hate Crime: The Mathew Shepard & James Byrd, Jr. Hate Crimes Prevention Act of 2009).....	7
18 U.S.C., Sec. 371, 1343-1346.....	5
18 U.S.C., Sec. 1281.....	6
18 U.S.C., Sec. 1503 (Obstruction of Justice, Criminal Offense).....	4
18 U.S.C., Sec. 1961, 1962 et seq. (RICO) .....	3,4,5,7
18U.S.C., Sec.1964(c) .....	9
18 U.S.C., Sec. 2381 (Treason).....	5
28 U.S.C, 455(a) (Impartiality of Judges).....	5
28 U.S.C., Sec. 1257 .....	11
28 U.S.C., Sec. 1343(3).....	11
28 U.S.C., Sec. 1738 (jurisdiction, Res Judicata).....	11
28 U.S.C., Sec. 1915(d)(g).....	14
28 U.S.C., Sec. 1962.....	3
28 U.S.C., Sec. 2283.....	11
28 U.S.C., Sec. 2506(b) (Mortgage Servicers).....	5
42 U.S.C., Sec. 1983 – Res Judicata Claims Not Litigated in Prior Claims..... Civil Action for Deprivation of Rights .....	11
42 U.S.C., 1981 (Civil Rights).....	7
42 U.S.C., Sec. 3631 (Hate Crime: Criminal Interference with Right to Fair Housing)....	5
LR83.23-50 et seq.(Judicial Misconduct).....	5
U. S. Supreme Court Rule 44. 44.1.....	1

#### Illinois State Laws/Statutes

735 ILCS 5/9-101 et seq.....	15
------------------------------	----

735 ICS 5/9-1513.....	15
Illinois Code of Professional Conduct, Rules 1,7(a) & (b); 1.8, 2.3.....	7
Illinois Code of Professional Conduct, Rules 3.3(a), 8.4.....	5,6,7
Illinois Supreme Court Rule 86.....	8
Illinois Supreme Court Rule 137.....	5
Executive Order 2020-72.....	15
Executive Order 2021-01 (January 8, 2021).....	14,15
Executive Order 2021-13 (Gov. Pritzker, Illinois).....	14,15
Covid-19 Executive Order No. 71.....	15
General Administrative Order No. 2020-01: COVID-19, Etc. Emergency Measures	15

## **PETITION FOR REHEARING: JURISDICTION**

This Petition for Rehearing is pursuant to Rule 44 re Court's denial of Writ of Certiorari on May 16, 2022 (#21-1818 attached) re 7<sup>th</sup> Circuit's inconsistent decisions with 7<sup>th</sup> Circuit, other circuits and U.S. Supreme Court, only court with jurisdiction to review IL State Court Judgment (2016-CH-5738), no matter how erroneous or unconstitutional that judgment may be. As Respondents availed themselves to business in Illinois, taking advantage of its benefits and laws. *Taylor v. Fed. Nat'l Mortgage Ass'n*, 374 F.3d 529, 532 (7<sup>th</sup> Cir., 2004). *Hanson v. Denckla*, 357 U.S. 235 (1958). **Rosee and Noel Torres** are Petitioners, *pro se*.

## **SUPPLEMENTAL STATEMENT OF FACTS**

On April 21, 2022 Petitioners were evicted without notice or ID's, from their home of 23 years, 3546 West Beach Avenue, Chicago, IL, by 8 armed persons claiming to be "Sheriffs" based on a 2018 summary judgment and 2019 rigged sale by **Wells Fargo Bank, N.A.** to **Mr. Capitol Group, LLC**, an unregistered out-of-state mortgage company acting as "flippers" and fronts for **Wells Fargo. (APP. 1-2)**, with no proof of ownership, forged robo signature of **Rosee Torres** on 17 fraudulent, fabricated mortgages by switching and altering blank defunct World Savings forms from purchase applications to 3542 and 3550 West Beach. **Wells Fargo** targeted Petitioners by race, color, ethnicity (American born Afro-Latino/Americans), misclassified national origin, age/elderly, gender/female and disabilities, anti-semitic (referring "Torres" surname as being Sephardic Jew, **(APP. 4)** to enforce motivated systematic institutionalized racism in their "*Nigger Removal Plan & Policy*" in newly gentrified urban Chicago, backed by violence and hate crimes.

Petitioners NEVER had a mortgage with **Wells Fargo**, it produced no original contract, copies, lien, indorsement, assignment or allonge, claiming lost in a "computer glitch." and appeal 7<sup>th</sup> Circuit Order of 12-15-2022 and U.S. Supreme Court Order denying certiorari 05-26-2022.

## ARGUMENT

Petitioners have satisfied the *prima facie* standards necessary to entitle them to resolution in favor of their claims concerning relevant facts presented in the record. **Tamboro v. Dworkin**, 601 F. 3d 693, 700 (7<sup>th</sup> Cir. 2010). In general, the State, Federal and Appeals courts' abuse of discretion is premised on an incorrect legal principle or clearly erroneous factual findings, as when the Court contains no evidence of proof of ownership or original documents on which to rationally rely, erroneously accepting "lost in a computer glitch" (**Writ of Cert. P. 18**) Neither Courts nor Respondents contested claims that **(a)** Petitioners never had a mortgage with **Wells Fargo**; **(b)** that Petitioner **Noel Torres** was not named on the fabricated mortgage but on foreclosure, judgment and sale of 3546 West Beach; **(c )** Genuine of facts remain re allegations of ID theft, forgery/robo-signature, altering and switching forms to create seventeen (17) new fraudulent, fabricated mortgages, six (6) attached to Complaint and appeals, one of 17 at issue herein (**Doc. 1, Ex. 16-20**); **(d)** No decision on allegations of systemic institutional motivated racism, targeting Petitioners by race, color, ethnicity, erroneous national origin, gender, age and disability and hate crimes against Petitioners. (**Writ of Cert. p. 4, 20-21**),

**A. Rooker-Feldman not Applicable to Petitioners' Litigation.** Respondents' and Courts defense of **Rooker-Feldman** is erroneous and without merit. There was no decision on **Wells Fargo's** refusal to grant a mortgage based on race, color, ethnicity, national origin, gender/female, age, misclassified national origin, etc., or attempts to purchase 3542 West Beach or 3550 West Beach applicable to **Rooker v. Fidelity Trust Co.**, 263 U.S. 413 (1923) and **D. C. Court of Appeals v. Feldman**, 460 U.S. 462 (1983). Petitioners challenged mortgage, foreclosure and sale by fraud under Rule 60 re 3546 W. Beach (**Writ for Cert., p. 15**) Courts erroneously issued judgment on **Noel Torres**, not a party to fake mortgage. **Pennoyer v. Neff**, 95 U.S. 714, 24 L. Ed. 565 (1877)

This Court can vacate the State Court's foreclosure on the fabricated mortgage, judgment, and sale of 3546 West Beach, dismissals by State and federal courts, denial by the 7<sup>th</sup> Circuit re Motion for Rehearing. **Rooker-Feldman** doctrine did not appear to require the dismissal of the entire action, even if it applies to some or most of Petitioners' claims." *Id*; **Barone v. Wells Fargo Bank, N.A.**, 708 F. App. X 943 (11<sup>th</sup> Cir. 2017) Petitioners should also be given opportunity to amend with new evidence of misconduct by Respondents AFTER foreclosure and sale, plus denial of mortgage to two other properties, breach of oral promises (2018-2022), redlining, and eviction (**Writ of Cert.**, pp. 4, 8, 9). No statutes on fraud, for which Petitioners seek damages under 15 U.S.C., Sec. 6611. **Rosee**, homeowner, paid all taxes & insurance from 1999-2022. (**APP. 11, 12**)

Respondents promised that any damages were included in **Wells Fargo** settlements of 2018-2020 with Consumer Financial Protection Bureau, Office of Comptroller, U. S. Department of Justice and Attorney General of Illinois. They lied. (**Writ of Cert.**, p. 3, 14, 15) Money was embezzled instead, violating U. S. Code, Chapter 96, 18 U.S.C., Sec. 1961, 1962 *et seq* (under RICO). Respondents further are liable for prohibited activity in fabricating 17 fake mortgages by changing acct #045206356 (**State Appeal #19-1718, EX. 2**) to #0483107462 in scheme to rip-off Petitioners and federal government of \$3-\$5 Million dollars. 28 U.S.C., Sec. 1962 *et seq*. In Examining **Rooker** further, Sec. 1257 was not meant to outlaw traditional collateral attacks upon void or fraudulent judgments as the Summary Judgment (2016-ch-5738) by State Court.

Judge Woods' granted Petitioners right to re-file. (Pg. 2 of Order of April 05, 2019, Case 1:19-cv-00112. (**Writ of Cert.**, **APP. R**) Respondents' are liable for misconduct after that Order. **Crawford v. Countrywide Home Loans, Inc.**, 647 F. 3d 642, 646 (7<sup>th</sup> Cir., 2011); **Flowers v. Burton Wells, Ltd.** No.01-CV-9306, 2002 WL 31307421 at \*3 (N.D. Ill. Oct. 10, 2002). Judge also granted Petitioners right to refile. **Frederiksen v. City of Lockport**, 384 F. 3d 437, 438 (7<sup>th</sup> Cir., 2004).

**B. Racketeer Influence and Corrupt Organization Act Violated by Respondents (RICO)**

Petitioners' Complaint and Appeal alleged Respondents violated RICO and their combined efforts constituted "criminal enterprises." Title 42, **18 U.S.C. Sec. 1961, 1962 et seq. 18 U.S.C., Sec. 1503.** Under RICO, even the court can be considered a criminal enterprise if judges, attorneys, as officers of the Court and members of their family, as 7<sup>th</sup> Circuit, prior circuits and this Court already established. ***United States v. Murphy***, 768 F. 2d 1518, 1531 (7<sup>th</sup> Cir., 1985) *cert. denied*, 106 S. Ct. 1188 (1986); ***United States v. Doherty***, 867 F. 2d 47, 68 (1<sup>st</sup> Cir. 1989). Racketeering activity is not required to benefit the enterprise itself. ***United States v. Killip***, 819 F. 2d 1542, 1549 (19<sup>th</sup> Cir., 1987). Petitioners' allegations of joint activity in a scheme/conspiracy to defraud satisfies RICO. ***United States v. Friedman***, 854 F. 2d 535, 561 (2<sup>nd</sup> Cir., 1988); ***United States v. Castellanos***, 610 F. Supp. 1359, 1396 (S.D.N.Y. 1985); ***United States v. Thompson***, 685 F. 2d 993, 999 (6<sup>th</sup> Cir., 1982) (*en banc*) *cert. denied*. 459 U. S. 1072 (1983). Among government entities held to be "enterprises" are offices of governors, state legislators, courts, court clerks' offices, and attorneys, all which apply to Petitioners' allegations of judicial partiality and fraud. ***United States v. Stratton***, 649 F. 2d 1066, 1072-75 (5<sup>th</sup> Cir., 1981); ***United States v. Clark***, 656 F. 2d 1259, 1261-67 (8<sup>th</sup> Cir. 1981); ***United States v. Frumento***, 405 F. Supp. 23, 29-30 (E.D.P. 1975), *aff'd*. 563 F. 2d 1083 (3<sup>rd</sup> Cir. 1977), *cert. denied*. 434 U. S. 1072 (1978). After ***Frumento***, decisions expanded to every government activity conceivable, ***United States v. Thompson***, 669 F. 2d 1143 (6<sup>th</sup> Cir.) *rev'd* 68 F. 2d 993 (6<sup>th</sup> Cir., 1982 (*en banc*) *cert. denied* , 459 U. S. 1072 (1983).

**C. Federal Rule 60 (Fraud) Voids Foreclosure.** Petitioners repeatedly allege to no avail having no mortgage with **Wells Fargo**, their fabricated, forged and fake mortgage is based on forgery and fraud, violating Rule 60(b). (**Writ of Cert, p. 15**) The summary judgment and sale are NULL AND VOID. **Wells Fargo**, a mortgage servicer, lacked standing to foreclose. (**Writ of Cert. APP.**

**O, Q-1, Q-2, Q-3); 28 U.S.C., Sec. 2506(b).** The courts failed to address RICO violations: money laundering, embezzling, conspiracy, and false claims, etc. **(Writ of Cert., pp. 12-16);** 18 U.S.C., Sec. 1961, 1962 *et seq.* ; **18 U.S.C., Sec. 371, 1343-1346.**

**D. Disqualification of Judges Rowland, Neville & Howse.** One can seek to have judge disqualified under 28 U.S.C., Sec. 455, must do so in a timely manner upon learning of grounds of partiality, learned after decision. Attorney David Rowland is employed by **Wells Fargo** attorney, Seyfarth Shaw, re Judge Mary Rowland. State Justices Howse and Nevilles' law firm, once **Rosee Torres'** employers who settled same issues with World Savings before Wells Fargo merger, a breach of fiduciary duties, betrayal and conflict of interest in deciding same matter.. **Summers v. Singletary**, 119 F. 3d 917, 920 (11th Cir., 1997). The 7<sup>th</sup> Circuit erred in not addressing this conflict of interest. **Bolin v. Story**, 225 F. 3d 1234, 1239 (11<sup>th</sup> Cir., 2000); LR83.28-50 *et seq.* **(Writ of Cert., p. 26)** Recusal is required in any proceeding in which the judge's impartiality might reasonably be questioned, where an objective, fully informed lay observer as Petitioner(s) would entertain certain doubts about the judges' impartiality when disclosed by Respondents of after dismissals and denials to December 24, 2021. **28 U.S.C., 455(a); Curves, LLC. v. Spalding Cty., Ga.**, 685 F. 3d 1284, 1287 (11th Cir, 2012) Judges Sullivan, Rowland, while Howse and Neville violated their oaths of office (Rule 137), having conflicts of interest, and denying due process the U.S. Supreme Court decided is a "war on the constitution". **Cooper v. Aaron**, 358 U. S. 1, 78 S. Ct. 1401 (1958); **18 U.S.C., Sec. 2381**; Violations: Illinois Code of Professional Conduct, Rules 3.3(a) and 8.

**E. Cook County Circuit Court of Illinois Judge William B. Sullivan.** Respondent agents of **Wells Fargo** and their attorneys disclosed to Petitioners after judgment of February 16, 2018, to intimidate, that Circuit Court of Cook County **Judge Wm. B. Sullivan** (2016-ch-5738) or members of his family were employed by **Wells Fargo** attorneys, Seyfarth Shaw. Petitioners were

therefore unable to seek timely recusal of judge Wm. B. Sullivan for recusal and partiality, violations of Rule 65(C)(4) of Illinois Code of Judicial Conduct. **(Writ of Cert., p. 26) Cooper v. Aaron, Id.; 18 U.S.C., Sec. 1281.** Federal statutes make it unlawful for two or more person to conspire to injure , oppress, threaten, or intimidate any person of any state , territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or laws of the United States. **Title 18, U.S.C., Sec. 241.** A second statute makes it a crime for any person acting under color of law , statute, ordinance, regulation or custom to willfully deprive or cause to be deprived from any person rights , privileges or immunities secured or protected by the Constitution and laws of the U.S. **Title 18, U.S.C., Sec. 242.** Finally, every person, under color of any statute, ordinance, regulation, custom, or usage of any state, territory or District of Columbia, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction to be deprived of rights, privileges or immunities secured by the Constitution & laws, shall be liable to party injured in an action at law, equity or other proper proceeding for redress. **42 U.S.C., Sec. 1983.** Respondents repeatedly violated petitioners' rights.

**F. Robert Metz.** Metz was not admitted to practice in federal court. His client, **Mr. Capitol Group, LLC a/k/a MR Capitol Group, LLC.**, a mortgage company not licensed or registered in Illinois merely acts as "flipper" for **Wells Fargo**, **Metz** violated Rules of Professional Conduct 3.3(a) *et seq*; 8(a) **(Writ of Cert., p. 27)(APP. 1-A, 1-B).** He and Mr. Capitol Manager, Andrew Smith wrongfully participated in 11-5-2021 & 04-21-2022 incidents, not an attorney's duty.

**G. Geoffrey Pipoly of Mayer Brown.** Attorney Pipoly is liable for misconduct and violation of Illinois Rules of Professional Conduct 3.3(a), 8(a) in appearing before court but not filing his appearance in behalf of **Wells Fargo** in State court (2016-ch-5738), **and** negligently failing to research or investigate that matter was settled by World Savings prior to **Wells Fargo** merger.



H. **Frederick Lappe/Nathan Lichtenstein of Intercounty Judicial Sales Corp.,** Atty Lappe is is secretary and Nathan Lichtenstein president, employed by **Intercounty's** law firm, Aronberg Goldgehn Davis & Garmisa,. As officers they failed to disclose this. Company dissolved involuntarily by the Illinois Secretary State, No. 62741821, prior to the appointment to sell 3546 West Beach in 2018, re-incorporating in 2014. **(APP. 2, 3)** No record of 2015-2019. Failure to disclose, conflicts of interest, violating Illinois Rules of Professional Conduct, IRPC 1.7(a) & (b)(3); 1.8; & 2.3.

I. **Manley Deas & Kochalki, LLC., Edward Peterka & Joel Knosher, Attorneys.** As Attorneys for **Wells Fargo** negligently and intentionally failed to research or investigate before filing false claims, are liable under the False Claims Act, RICO and Civil Rights Acts, knowing Petitioners never had a mortgage with **Wells Fargo** and fully aware of 17 fake mortgages created violating IL Code of Professional Conduct, Rules 1.7, 1.8, & 2.3., 3.3(a)-(d); 8:4(a)-(k), (2)(3).

J. **Respondents Committed Hate Crimes which Violated Petitioners Civil Rights.** Respondents' acts and conduct of physical attacks, home invasions and eviction violated **Civil Rights Acts of 1964, 1968, 42 U.S.C., Sec. 1981, 1983, 1985, 1986, 2000(a), et seq.; (Writ of Cert. pp. 19, 20, 21);** Hate Crimes Acts: (a) Shepard Byrd Act of 2009, **18 U.S.C., Sec. 249** and misclassifying national origin; (b) Criminal Interference with Right to Fair Housing, **42 U.S.C, Sec. 3631;** Fair Housing Act of 1968 as to purchases of 3542 and 3550 West Beach, restricting rental or sale of 3546 West Beach by race, color, ethnicity, age, gender factors; violent Interference with Federally Protected Rights, due process. **18 U.S.C., Sec. 245;** Conspiracy Against Rights, **18 U.S.C., Sec. 241.**

K. **Abuses of Discretion.** Abuses of discretion applies as to the District and Appeals Courts dismissals of Complaint, without 7<sup>th</sup> Amendment due process/jury, and 14<sup>th</sup> Amendment and impartial judiciary. **Betty K. Agencies, Ltd. V. M/V MONADA**, 432 F. 3d 1333, 1337 (11<sup>th</sup> Cir., 2005); **Goforth v. Owens**, 766 F. 2d 1533, 1535 (11<sup>th</sup> Cir., 1985); **28 U.S.C., Sec. 1915(d)(g).**

Petitioners' Pro se pleadings construed literally **as required in** in this court and other circuits throughout the federal system. ***Evans v. Ga. Reg'l Hosp.***, 850 F. 3d 1248, 1253 (11<sup>th</sup> Cir.) *cert. denied*. 138 S. Ct. 557 (2017) Liberal construction of pro se pleadings does not give the court license to serve as de facto counsel or the other parties, or to re-write an otherwise deficient pleading as the Court has done to sustain Respondents actions. . ***Campbell v. Air Jamaica, Ltd.***, 760 F. 3d 1165, 1168-69 (11<sup>th</sup> Cir. 2014. The Court (a) erroneously intertwined the Issues of 3546 West Beach with separate attempted purchases of 3542 and 3550 West Beach, never litigated; (b ) the courts failed to address tortious acts of 4 assaults and 3 forcible entries home invasions , motivated racism and hate crimes, broken oral promises and consent orders AFTER summary judgment. Petitioners' allegations are simple, concise and direct. FRCP 8(d)(1).

**Illinois Supreme Court Rules & Decisions.** Respondents and both the State and District Courts and Appeals court failed to follow Illinois Supreme Court Rules and guidelines: (a) **Rule 86:** Actions Subject to Mandatory Arbitration denied to Petitioners by State and federal court, false affidavits by Respondents re arbitration; (b) **Eligible Actions:** Petitioners, as victims of extortion and blackmail, threatened with arrest, jail or deportation if they refuse to abandon their home and withdraw appeals. (c) Respondents attorneys unethically granted clients direct contact with Petitioners by **hundreds** of mailings and phone calls from 2016 to March 2022; (d) **Wells Fargo's Modication is a Scam:** It is designed to stall until the statute of limitation expires while collecting and embezzling money. (e) **Petitioners' Credit Ruined after Bankruptcy:** Fraud alleged no mortgage, listing only "creditor", **Wells Fargo**, who did not contest or appear at meeting of creditors. Petitioners discharged. (e) **Two swastikas placed in their mailbox on with eviction notice on 12- 24-2019 and 12-24-21, 2021 by Respondents.-**

L. **Supplemental Standard of Review: (Petitioners Writ of Certiorari).** Granting Rule

12(b) Motion by the District Court and 7<sup>th</sup> Circuit is *de novo*. *In re Miss.Valley Livestock, Inc.* 745 F. 3d 299, 302 (7<sup>th</sup> Cir., 2014). *Parts and Elec. Motors, Inc. v. Sterling Elec. Inc.*, 866 F. 2d 228 (7<sup>th</sup> Cir., 1988), *cert denied*, 493 U. S. 847, 110 S. Ct. 141, 107 L. Ed. 2d 100 (1988); *Ashcroft v. Iqbal*, 556 U. S. 662, 129 S. Ct. 1937, 1949, 173 L. Ed. 2d 868 (2009).(quoting *Bell Atl. Corp. v. Twombly*, 550 U. S. 544, 570, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007))\_Petitioners’ claim “...has factual plausibility in pleading factual content that allows the court to draw reasonable inference that the Respondents are liable for the misconduct alleged.” In *Iqbal* the court first held that the plausibility requirement from *Twombly* applies to “ALL civil actions. ” *Id. at 1953* (quoting FED. R. CIV. P. 1), stating that Rule 8 “governs the pleading standard in all civil actions filed in the U. S. District Courts.” Petitioners meet the plausibility requirements of its two-pronged tests. The Court abuses its discretion when its decision is premised on an incorrect legal principle or a clearly erroneous factual finding, as no evidence of **Wells Fargo’s** proof of ownership which to rely. *In re K-Mart Corp.*, 381 F. 3d 709, 713 (7<sup>th</sup> Cir., 2004). Other inconsistent orders and decisions include but not limited to “...(a)ny person injured in his business or property by reason of violation of Section 1962 of this chapter may sue...” *RWB Servs. LLC. v. Hartford Computer Grp, Inc.*, 559 F. 3d 681, 685 (7<sup>th</sup> Cir., 2008); **18 U.S.C., Sec. 1964(c)** The conspiracy and pattern of racketeering provision is concerned with the agreement to participate in an endeavor, which if completed, would violate a substantive portion of the Act. *Domanus v. Locke Lord, LLP*, 847 F. 3d 469, 479 (7<sup>th</sup> Cir., 2017) Subsection (c ) is the relevant substantive here. Petitioners meet requirements of Sec. 1962© alleging : (1) conduct (2) of an enterprise (3) through a pattern of racketeering activity. *Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc.*, 831 F. 3d 815, 822 ((7<sup>th</sup> Cir., 2016); *Menzies v. Seyfarth Shaw, LLP.*, 943 F. 3d 328, 336 (7<sup>th</sup> Cir., 2019).

Petitioners have stated allegations specifically as to fraud per Rule 9 and 60, 60(b):

If a RICO claim is based on an allegation of fraud, the complaint must specify (1) The precise statements, documents, or representations made; (2) the time and place of and person responsible for the statement; (3) the content and manner in which the statement misled the plaintiffs; and (4) what the defendants gained by the alleged fraud.

A recent RICO claim dismissed for failure to state a claim, inapplicable to Petitioners.

**Nero v. Mayan Mainstream , Inv. LLC**, 645 Fed. Appx. 8564, 868 (11<sup>th</sup> Cir., 2016) Respondent

attorneys and clients are not immune. **Reed v. Village of Shorewood**, 704 F. 2d 943, 951

(7<sup>th</sup> Cir.,(1983); **Smith v. Power**, 346 F. 3d 740, 742 (7<sup>th</sup> Cir., 2003) and **Smith**, 346 F. 3d at 742.

Respondents acted outside their respective court actions up to 2022. Under Illinois law, Peti-

tioners met all three elements of civil conspiracy. **Fritz v. Johnson**, 209 Ill. 2d 302, 317, 807 N.E.

2d 461, 470(2004).All Respondent conspirators are liable under RICO and as conspirators to

commit RICO. **Airborne Beepers & Video v. A & T Mobility**, 499 F. 3d 663, 667 (7<sup>th</sup> Cir., 2007).

**Torres'** claims are not "inter-twined." **Rooker v. Feldman, Id.**, see 544 U. S. at 291;

**Richardson v. Koch Law Firm, P. C.**, 768 F. 3d 732, 734 (7<sup>th</sup> Cir., 2014); **Exxon Mobil Corp. v. Saudi**

**Arabia Industries Corp.** 544 U.S. 280, 125 S. Ct. 1517, 161 L. Ed. 2d 454 (2005). Taking **Erickson**

and **Twombly** together, even if the court is says the factual detail in a complaint may be so sketchy

that the complaint may not provide type of notice of the claims to which Respondents are entitled

under Rule 8, a cause of action still exists. **Doss v. Clearwater Title Co.**, 551 F. 3d 634, 639 (7<sup>th</sup>

Cir., 2008). "The Supreme Court put to rest an concern any decision signaling an end to

proceedings based on above. **Erickson v. Pardus**, 551 U.S. 89 (2007) **Twombly, Id**, signaled an

end to notice pleading. Respondents are only required to receive notice of and not detailed facts

per Rule 12(b) motions. Granting motions to dismiss is erroneous.

**Res Judicata and Collateral Estoppel under Federal Jurisdiction.** State and federal

**courts ignored** Petitioners issues of *res judicata* throughout state and federal appeals. Writ of

Certiorari (page 16, No. 3), . **Younger v. Harris**, 401 U. S. 37 (1975), 420 U. S. at 607-608 n. 18.

**Res Judicata, State Remedies Inadequate.** State remedies regarding Petitioners' claims do not rule out corruption in alleging biased tribunals. ***Steffel v. Thompson***, 415 U.S. 452,460 (1974); ***Gibson v. Berryhill***, 411 U. S. 564, 577 (1973). Court ignored Petitioners claim of *res judicata* as to Wells Fargo's 2016 foreclosure, which is erroneous. (a) **U. S. Supreme Court Exclusive Jurisdiction.** Exclusive jurisdiction to review state court judgments rests with the U. S. Supreme Court. 28 U.S.C., Sec. 1257 (1970). ***Lendo v. Lektro-Vend Corp.***, 97 U.S. 2881 (1977). ***Steffel v. Thompson***, 414 U. S. 452, 460 ((1974); ***Gibson v. Berryhill***, 411 U. S. 564, 577 (1973); 28 U. S.C., Sec. 1331, 1343 (1970) (b) **State Court Could Not Adequately Protect Federal Rights.** When the State cannot adequately protect federal rights under Sec. 1983, federal courts and U. S. Supreme Court has jurisdiction, it includes injunctions regarding state claims. ***Mitchum v. Foster***, 407 U. S. 225 (1972); 28 U. S.C., Sec. 2283; 42 U.S.C., Sec. 1983; ***Redish, The Anti-Injunction Statute Reconsidered***, 44 U. Chi. Law Rev.717, 737-38 (1977) There are exceptions when an issue is to redress deprivation of civil rights under the color of law by Respondents. ***Mitchum, Id.*** *Res Judicata* applies to Wells Fargo's 2018 foreclosure, summary judgment and sale, Section 1738 of Title 28, even when the real problem is not jurisdiction. 28 U.S.C., Sec. 1738; ***Ransome v. Mimms***, 320 F. Supp. 1110 (D.S.C. 1971). The "full and faith credit" requires one jurisdiction, especially in this diversity jurisdiction matter, and give *res judicata* to another judgment as in ***In re Wachovia case. Magnoleum Petroleum Co. v. Hunt***, 320 U.S. 430, 438 (1943). (d) **Collateral Estoppel and Due Process under Sec. 1983.** Federal jurisdiction is granted for collateral estoppel under most Sec, 1983 cases, 28 U.S.C, Sec. 1343(3)(1970) 42 U.S.C. Sec. 1983. Litigants need not exhaust state remedies before suing under Sec. 1983. ***Monroe v. Pape***, 35 U. S., Sec, 167 (1961). Section 1331 of Title 28 gives federal courts immediate jurisdiction over the whole of the federal question, as collateral estoppel applies to "an issue of fact or law". Restatement (2nd) of Judgments. Sec,

68, Sec. 68.1(b). It covers unequal treatment and inequitable administration of the law. (e) **Petitioners Seek Injunction re Eviction and Sale of Home: Standard and Argument**. Petitioners seek an injunction against Respondents re eviction of April 21, 2022, as they met the standard needed to show “that ‘it has a better than negligible’ chance of succeeding on the merits” by being granted a trial or by order of this Court. *Meridian Mutual Ins. Co. v. Meridian Mutual Ins. Group, Inc.*, 128 F. 3d 1111, 1114 (7<sup>th</sup> Cir., 1997); *Roland Mach Co. v. Dresser Ind.*, 749 F. 2d 380, 387 (7<sup>th</sup> Cir., 1984). Only where it is more likely than not that Respondents will prevail, injunctive relief is improper. *Boucher v. Bd. Of Sch. Dist. Of Greenfield*, 134 F. 3d 821, 826-27, 829 (7<sup>th</sup> Cir., 1998). In determining whether to grant injunctive relief, “the court weighs the irreparable harm that the moving party (Torres) would endure without the protection of a preliminary Injunction against any harm the non-moving party would suffer if the court were to grant the requested relief.” *Optionmonster Holdings, Inc. v. Tavant Techs, Inc.*, No. 10 C 2792, 2010 WL 2639809 at \*10 (N.D. Ill. June 29, 2010) (citation omitted). *Stuller, Inc. v. Steak N Shake Enterprises, Inc.*, 695 F. 3d 676, 678 (7<sup>th</sup> Cir. 2012). An injunction is appropriate when as Petitioners demonstrate (1) some likelihood of succeeding on the merits; (2) they have “no adequate remedy at law”; (3) they will suffer “irreparable harm” if preliminary and subsequent permanent relief is denied. *Abbott Labs v. Mead Johnson & Co.*, 971 F. 2d 6, 11 (7<sup>th</sup> Cir., 1992); *Courthouse News Service v. Brown*, 908 F. 3d 1063, 1068 (7<sup>th</sup> Cir., 2018).

The Supreme Court set forth the standard that a party “seeking a preliminary injunction must establish that he is likely to succeed.” *Winter v. Natural Resources Defense Council, Inc.* 555 U. S. 7, 20 (2008). Following *Winter*, circuits have adopted several diverging frame-works for weighing these factors. In the 7<sup>th</sup> Circuit, a movant has established (1) that (they are likely to succeed on the merits, (2) they are likely to suffer irreparable harm in the absence of preliminary

relief; and (3) legal remedies are inadequate.” **Cook Cty v. Wolf**, 962 F. 3d 208, 221 (7<sup>th</sup> Cir., 2020).

Upon such a showing, it applies a sliding scale approach, weighing harms to the moving party, others, and the public. **Johnson & Johnson, Inc. Adv. Inventory Mgt., Inc.** 20-cv-3471, 2020 WL 5880136, at \*7 (N.D. Ill. Oct. 2, 2020). **Omega Satellite Products Co., v. City of Indianapolis**, 594 F.2d 119, 123 (7<sup>th</sup> Cir., 1982). Using the phrase “better than negligible” to describe the threshold for showing a likelihood of success in cases, injunction should be granted even if the defendant has a better chance of prevailing on the merits than the plaintiff, provided the Petitioners’ chances are better than negligible, and vice versa.” **Omega Satellite Products Co. v. City of Indianapolis**, *Id.*; **Vialva v. Watson**, 20-2710, 2020 WL 5586715 (7<sup>th</sup> Cir., 9-18-2020); **Mays v. Dart**, 20-1792, 2020 WL 5361651, at \*9 (7<sup>th</sup> Cir., Sept. 8, 2020); **Illinois Republican Party v. Pritzker**, 20-2175, 2020 WL 5246656 (7<sup>th</sup> Cir., Sept. 3, 2020); **Purkey v. U. S.**, 964 F. 3d 603 (7<sup>th</sup> Cir., 2020), *cert denied*, (2012), 2020 WL 4006838 (U. S. July 16, 2020); **Whitaker v. Kenosha Unified School District No. 1, Bd of Educ.**, 848 F. 3d 1034 , 1046 (7<sup>th</sup> Cir., 2017). As to the legality of the conditions of the Cook County Jail during the COVID-19 pandemic, the 7<sup>th</sup> Circuit concluded the “better than negligible” standard is not law of the 7<sup>th</sup> Circuit. **Mays**. 2020 WL 5361651 at \*7.

When weighing above factors, the court applies a “sliding scale’ approach, success on merits.

**Ty, Inc. v. Jones Grp., Inc.** 237 F. 3d 891, 895 (7<sup>th</sup> Cir., 2001). *Id.* at 895-96 (internal citations omitted). Under the “balance of harms” analysis, Petitioners can establish that the harm they would suffer without an injunction is greater than the harm such relief would inflict on Respondents. **Mich. v. U. S. Army Corps. Of Eng’g**, 667 F. 3d 765, 769 (7<sup>th</sup> Cir., 2011). A preliminary injunction acts to maintain status quo pending final hearing on the merits. **Doeskin Products v. United Paper Co.**, 195 F. 2d 356, 358 (7<sup>th</sup> Cir., 1952). **There is no adequate remedy at law because money can’t replace irreparable harm. Money** is not an adequate remedy to the

loss of paid for home of 23 years, its values and memories. Failing to grant a preliminary injunction would result in irreparable harm. **EnVerne, Inc. v. Unger Meat Co.**, 779 F. Supp. 2d 840, 844 (N.D. Ill. 2011) (internal citations omitted). “[P]otential harm is generally not ‘irreparable’ if the party seeking an injunction has adequate alternate remedy as money damages. Injury to reputation, credit or good will, are irreparable. **Pampered Chef v. Alexanian**, 804 F. Supp. 2d 765, 803 (N.D. Ill., 2011). A preliminary injunction granted in other cases when suffering irreparable injury is being deprived of access to one’s unique property, or interference (eviction), *per se*-irreparable injury. **Sundance Land Corp., v. Cmty, First Fed. Sav. & Loan Ass’n**, 840 F. 2d 653, 661 (9<sup>th</sup> Cir., 1988) (eviction); **Carpenter Tech Corp. v. City of Bridgeport**, 180 F. 3d 93, 97 (2<sup>nd</sup> Cir., 1999) (eminent domain). Wrongful ejection of Petitioners is irreparable injury. **Johnson v. U. S. Dept. of Agric.**, 734 F. 2d 774, 789 (11<sup>th</sup> Cir., 1984).

(ii) **The Balance of and Maintaining the Status Quo is in Petitioners (Torres’) Favor.**

Petitioners pray this Court restores balance and status quo and grant certiorari and injunction. **Mich.** 667 F. 3d at 769. **Doeskin Products**, 195 F. 2d at 358. **Id. Brown v. Chote**, 411 U.S. 452, 456 (1973) A preliminary injunction is “to preserve the relative position of the parties...” See **Univ. of Tex. V. Camenisch**, 451 U. S. 390, 395 (1981). Minimizing the risk of error is important factor.

a. Both the District Court and U. S. Court of Appeals decisions contrary and inconsistent with their own prior decisions, other circuits and this Court, are erroneous, invalid and void. **Earle v. McVeigh**. 91 U.S. 503, L. Ed. 398 (1875); **Hanson v. Denckla**, 357 U.S. 235, 2 L. Ed. 1283, 8 S. Ct. 1228 (1958) Decisions also not in compliance with Moratoriums: COVID-19 Orders 2020-01 & 2021-13. (**APP. B, APP. 8**) and have departed from accepted Rules. **28 U.S.C., Sec. 1915(d)(g)**.

b. Courts failed to address material questions of law and facts. **United States**



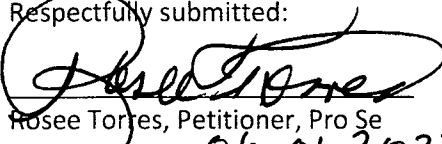
**v. Thompson**, 685 F. 2d 993, 999 (6<sup>th</sup> Cir., 1982)(*en banc*) *cert. denied*, 459 U.S. 1072 (1983). This includes courts, court clerks offices and attorneys as enterprises. **United States v. Stratton**, 649 F. 2d 1066, 1072-75 (5<sup>th</sup> Cir., 1981); **United States v. Clark**, 656 F. 2d 1259, 1261-67 (8<sup>th</sup> Cir., 1981) Even Judges can be liable and are not immune. **United States v. Frumento, Id.** 405 F. Supp. 23, 29-30 (E.D. Pa. 1973)*aff'd*. 563 F. 2d 1083 (3<sup>rd</sup> Cir., 1977) *cert. denied*, 434 U.S. 1072 (1978). This extends to April 21, 2022 eviction. **Glaski v. American Nat'l Bank Ass'n**, 5<sup>th</sup> District, Calif. Court of Appeals, FO64556 (07-31-2013); **Yvanova v. New Century Mortgage Corp**, No. S218973, Cal. Sup. Ct. 02-18-2016). 75 ILCS 5/9-101 *et seq.* (a) eviction must take place within 120 days of 2019 order, not three (3) years later, 2022; (b) Respondents failed to send 14 day notice per Executive Orders 2020-7 and 2021-13, (c) Respondents failed to file Affidavit of Compliance and proof of service within 14 days of the expiration of any 30 day period per Section IV(A)(I)(c) of the Order. (d) Torres are "covered persons" per Executive Orders 2020-72, 2021-13, Noel recuperating from 3 surgeries (heart, foot, eye) and diabetes. Torres submitted Declarations to Respondents on April 18, 2020 and November 7, 2021. (APP. 5 & 6) (e) Further orders for possession and confirmation of a residential judicial sale must not be entered until further Order by the Court. **735 ILCS 5/15-1513. (APP. B & 8)**

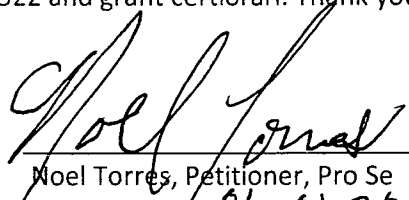
The Courts have a history on court corruption in Cook County, Illinois: **U. S. v. Murphy**, 768 F.2d 1518, 1531 (7<sup>th</sup> Cir., 1985)(*cert. denied*) 106 S. Ct. 1188 (1986); **U. S. v. Regina Taylor**, 15 CR 578 (USDC-ILND (2016)); **U.S. v. Madigan et al**, (USDC, ILND, 2022 ) pending; & Greylord cases.

#### CONCLUSION

This Court should vacate Denial of May 26, 2022 and grant certiorari. Thank you.

Respectfully submitted:

  
Rosee Torres, Petitioner, Pro Se  
06-01-2022

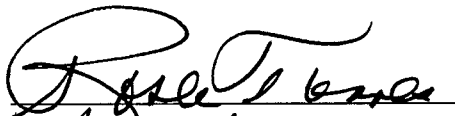
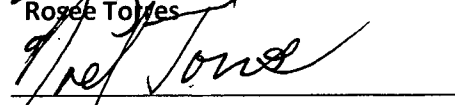
  
Noel Torres, Petitioner, Pro Se  
06-01-2022

## **CERTIFICATE BY PETITIONERS, ROSEE & NOEL TORRES**

As Petitioners who are representing themselves *pro se* before this Court, we hereby certify that this Petition for Rehearing and the Writ of Certiorari are presented in good faith and not for delay and are restricted to the grounds pursuant to specified in U. S. Supreme Court Rule 44 and 44.2. Petitioners have read the case laws of past Supreme Court rulings and other case law that was used in this Petition. And in the Writ of Certiorari. Petitioners file this because they personally believe that the Certiorari should have been granted, they have told nothing but the truth to this Supreme Court and are making the best arguments to the best of their abilities as unrepresented individuals, and will not waste the time of this Court. Petitioners are confident that they are submitting this Petition for Rehearing and for Emergency Intervention and Injunction in good faith to satisfy Rule 44.2.

DATED this 1<sup>ST</sup> day of June 2022 at Chicago, Illinois.

Respectfully submitted:

  
Rosee Torres  
  
Noel Torres

99500  
ROSEE TORRES AND NOEL TORRES  
Petitioners-Appellants – Pro Se  
Post Office Box 744962  
Chicago, IL 60647  
1-773-328-9140

NO. 21-7377

IN THE SUPREME COURT OF THE UNITED STATES

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ROSEE TORRES AND NOEL TORRES, *Petitioners*

v.

WELLS FARGO BANK, N.A., ETAL ETC., *Respondents*

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CERTIFICATE OF SERVICE

It is hereby certified that all parties required to be served have been served with copies of this document: **Petition for Rehearing** pursuant to Supt. Ct. R.44.2, by U.S. Mail, postage prepaid on the 1<sup>ST</sup> day of June, 2022:

\*United States Supreme Court, Office of the Clerk, One 1<sup>st</sup> Ave., N.E., Washington, D.C. 20543 (original and 10 copies)

\*Seyfarth Shaw, LLC, Attorneys at Law, 233 South Wacker Dr., S. 8000, Chicago, IL 60606

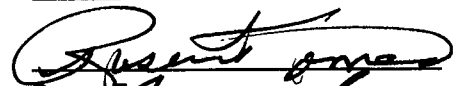

\*Manley Deas & Kochalski, Attorneys at Law, 1555 Lake Shore Dr., Columbus, OH 43204

\*Aronberg Goldgehn Davis & Garmisa, Attorneys at Law, 330 N. Wabash Ave., S. 1700, Chicago, IL 60611

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

15 As required by U.S. Supreme Court Rule 33.1, we certify that this document contains pages & Certificate, Appendix not included and excluding the parts of document exempt by Supreme Court Rule 33.1(d), 11 point Type. We declare under penalties of perjury that the foregoing is true and correct. Executed: June 1<sup>ST</sup>, 2022.

ROSEE TORRES & NOEL TORRES  
Petitioners/Appellants Pro Se  
Post Office Box 744962  
Chicago, IL 60647  
1-773-328-9140

  
Rosee Torres  
  
Noel Torres -a-

cc: Robert Metz c/o Law Offices of Mark Edison, P.C., 415 W. 22<sup>nd</sup> St., Tower Fl., Oak Brook, IL 60523-2074

**Additional material  
from this filing is  
available in the  
Clerk's Office.**