

Supreme Court, U.S.  
FILED

MAY 12 2023

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Application No. 224993

No: 22-6975

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*In the Supreme Court of the United States*

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JODY D KIMBRELL

Petitioner

v.

BANK OF AMERICA, NA, ETAL

Respondents

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

To Honorable Amy Coney-Barrett, Associate Justice of the United  
States Supreme Court and Circuit Justice for Seventh Circuit

EMERGENCY APPLICATION FOR STAY OF FEDERAL REMAND  
GIVING JURISDICTION TO STATE COURT PENDING  
DISPOSITION OF PETITION FOR REVIEW

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Jody D Kimbrell  
6608 N University St  
Peoria, IL 61614  
309 678-3857  
jody513@comcast.net  
Petitioner/Pro Se

RECEIVED

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SUPREME COURT, U.S.

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## ATTACHMENTS

Attachment A:	This Court's Order 22-6975
Attachment B,	Remand Order 11/4/22 subject of case
Attachment C	Text order 11/14/2022 denied never entered final order. District Ct. Docket page
Attachment D.	State Court 18-ch-420 3/17/2023 Order
Attachment E	Respondent Defiance Pleading After Ordered Litigation was halted to allow appeal run their course. 5/15/2023



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To Honorable Amy Coney-Barrett, Justice of our Supreme Court  
of the United States and Circuit Justice for Seventh Circuit.

Petitioner respectfully moves for a stay of Federal remand order  
22-1348 11/4/2022, subject of this case, that denies all proceedings in  
State Court, Tenth Judicial Circuit, 18-ch-420 a related case by  
considering if;

Does State Court have jurisdiction if federal remand order is  
under appeal?

There are few concepts that are as important to our nation's  
jurisprudence as that of jurisdiction. As stated by the Supreme Court of  
the United States, "Jurisdiction is the power to hear and determine the  
subject matter in controversy between parties to a suit, to adjudicate or  
exercise any judicial power over them. see" *Rhode Island v.*

*Massachusetts*, 37 U.S. 657, 718 (1838). "The statutory and (especially)

constitutional elements of jurisdiction are an essential ingredient of separation and equilibration of powers, restraining the courts from acting at certain times, and even restraining them from acting permanently regarding certain subjects.” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 101 (1998). It is precisely because jurisdiction is such a fundamental and important prerequisite to a court taking action in a case that objections to subject matter jurisdiction can be raised at any time, even after a case is over and even if the party contesting jurisdiction already had acknowledged a court’s jurisdiction.

This Court was petitioned for certiorari of Seventh Circuit dismissing 23-1139; ignoring Central District of Illinois 22-1348-remanding case back to Tenth Judicial. District Court, who had denied due process, and in abuse of discretion failed to follow Rule 58 by lax judicial procedures.

### **Reasons For Granting Application**

#### **A. Requirements for a Stay of Remand Order that Denies State Court Proceedings Pending Certiorari Review**

Seventh Circuit denied appeal in opposition of their ruling if District court fails to enter a separate order and does not notice within 21 days, appeal time tolls 150 days from docket entry. It was 66 days when Petitioner discovered 11/15/2022 TEXT only order on Pacer and appealed. Due process is right under our Constitution and sloppy

judicial steps and failing to follow rules taint our judicial system.

**Statement of Sequence of Judicial Goofs.**

Remand order of District Court unreported. 11/4/2022 Attachment B

Docket C.D.IL reconsider denied, no separate order entered

11/15/2022 and including District Ct Docket page. Attachment C

Final order 11/14/2022 entered 1/23/2023 denied.

Reconsider pursuant Appeals Court rule 59(e) 1/23/2023 motioned

District Court to reconsider 1/23/23 final order.

Respondent to answer by 2/8/2023 did not answer so Judge Mihm

denied Sua sponte Text order denied reconsider 2/7/23

Appeals Court 23-1139 February 16, 2023 dismissed 2/16/2023

Federal Rules main purpose that all are granted due process,  
but Courts abuse discretion taints entire judicial system.

**1. There is a Reasonable Probability That This  
Court Will Grant Certiorari And A Significant  
Possibility Of Reversal**

Petitioner's question raises if FHA mortgages are regulated  
under federal law or is Federal law tossed out the window by FHA  
lenders in state foreclosures.

***Petitioner's Question Presented for Certiorari Review***

Title 24 is federal regulations of FHA Mortgage program. This  
case presents a Petitioner denied due process by Federal District Court  
in abuse of discretion and refusing to litigate cause of an alleged forged  
FHA mortgage under federal venue.

*Does an accused to be an FHA borrower have right to face bank claiming they hold a legally obtained FHA mortgage, in federal venue under Title 24 regulations, that demands all required FHA documents must be presented to foreclose a 2013 FHA mortgage as regulated under federal law not state foreclosure law?*

If judiciary goofs and a court without jurisdiction causes Petitioner to lose her house by Respondent defiant aggressive misconduct, ignoring court orders, Petitioner will suffer undue hardship. *Barnes v. E-Systems, Inc* 501 U.S. 1301 (1991); *Mitchell v Forsyth* 472 U.S. 511 (1985).

**B. State Court Actually Stopped All Litigation Respondent Continues to Ignore State Court Orders**

Judge Daniel M. Cordis entered order March 17, 2023 halting all litigation in state case 18-ch-420. Attachment D

On April 13, 2023 Respondent filed into 18-CH-420, after court ordered was "not a proper venue till all appeals have been decided" stating "*There are no appeals pending*", set May 15, 2023 hearing date in Courtroom 203 with Judge Mark E. Gilles, who presides on 4th floor in child protection court, to confirm sale. Attachment

From February 8, 2019 to December 31, 2019 Judge Gilles ordered Respondent to answer Petitioner's motions. Respondent ignored every one of his orders.

Petitioner filed Rule to Show Cause April 19, 2023. Hearing May 10, 2023. At the hearing Judge Lisa Y. Wilson was at a loss actually stating "SCOTUS can not rule in State cases" unless;

Case had been removed to Federal Court and remand 11/4/2023 reconsideration ruling 11/14/2022 *was never entered as a separate document* making time to appeal 150 days from docket entry.

Seventh Circuit dismissed 23-1139 because Petitioner did not appeal in time (Judge Mihm's words ("*You (petitioner) blew it!*")

Hard to appeal if you did not receive court's ruling.

Judge Lisa Y Wilson presided at 5/10/2023 hearing with Respondent's counsel and attorney who "bought" petitioner's house 2/15/2023.

Both were arguing SCOTUS does not have jurisdiction, district court sent remand to state court and demanding court confirm sale so petitioner can be thrown out of her house, all while "remand" order is before this court certiorari. State court does not have jurisdiction.

Judge Cordis understood consequences of this Court vacating district courts remand order, but Respondent never followed any state court orders prior so twisting Judge Wilson into stymied response was not a surprise.



## CONCLUSION

For the foregoing reasons Petitioner respectfully request stay of proceedings in state court case 18-ch-420 that only has jurisdiction from Central District of Illinois remand 11/4/2022 order, subject of this case, for duration of this Court's disposition of petition for a writ of certiorari in *Jody D Kimbrell v. Bank of America, NA 22-6975*.

Respectfully remitted this May 12, 2023

"/s/" Jody D Kimbrell

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Peoria, IL 61614  
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