

No.

23-709

ORIGINAL

In the Supreme Court of the United States

DAVID R JOHNSON

Petitioner,

v

STATE OF ILLINOIS, COURT OF CLAIMS
et al

Respondents.

Petition for Writ of Certiorari, of
the United States Court of Appeals
for the Seventh Circuit

THE PETITION FOR CERTIORARI

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QUESTIONS PRESENTED

Whereas, the argument for the alleged wrongful traffic stop arose in Kankakee County Court January 8, 2009 [1], when Plaintiff filed a hearing for JDP, as shown in U.S. Dist. 20-cv-05862 [#99], the motion to dismiss and suppress evidence was sought by Plaintiff on February 19, 2009 [100], therefore, Plaintiff was no longer alleged wrongful traffic stop, but default, after the arresting officer continue failing to appear. Therefore, while the argument for the alleged wrongful traffic stop, arose in Kankakee County Court, in 2008, with the hearing for JDP, seeking default began in 2009, which present the following questions:

1. Whether, Il. App. 1-13-2109, was affirmed, U.S. Sup. 14-1173, and it affirmed, default was sought in both Court of Claims Cases, under 74 Ill. Admin. Code Sec. 790.100, in October 2012.
2. Whether, the Original Complaint, filed in 2010, as stated in U.S. Dist. 20-cv-05862, arose from Secretary of State Police Officer, BRIAN SIMS [#95-101], default in 2019, and the State abuse of power to evade default, Ephesians 6:12 [#2], and not the alleged wrongful traffic stop, in 2008.
3. Whether, trying to defend [#95-101] in Illinois Court of Claims, would only support Plaintiff's arguments, but Defendant *Jesse White*, was also the Ex-Officio Clerk of the Court of Claims and he chose not to recuse.

4. Whether, Plaintiff filed a second Court of Claims complaint, due to Defendants, which included, Illinois Secretary of State, *Jesse White*, whom also the Ex-Officio Clerk of Illinois Court of Claims as Defendant in both complaint, therefore, the Judges and they abuse of power in the original complaint *Jesse White*, Ex- the Ex-Officio Clerk, was required to recuse, but instead violated Plaintiff's rights U.S. App. 15-2186 [#288-301].
5. Whether, U.S. Dist. 20-cv-05862, considered Plaintiff's Original Complaint, filed in 2010, was seeking damages for alleged wrongful, by order of the Court of Claims on February 28, 2013, as of March 2013, Plaintiff amended it, he was seeking default [#13].
6. Whether, the Second Court of Claims Complaint, that never sought damages for alleged wrongful traffic, it sought, like U.S. Dist. 20-cv-05862, an injunction for the Court of Claims to do it's duty under 74 Ill. Admin. Code Sec. 790.100 issue the default [#148],
7. Whether, when U.S. Sup. 14-1173, affirmed, Il. App. 1-13-2109, it affirmed, default in both Court of Claims cases and *Reichert v. Court of Claims*, 203 Ill. 2D 257, 261 (2003),"certiorari will not lie until final judgment has been entered by the tribunal whose decision is sought to be reviewed".
8. Whether, U.S. Dist. 20-cv-05862 and U.S. App.

21-2896, agreed Plaintiff default, but certiorari will not lie until final judgment has been entered in the matter of the Court of Claims Judges and its Clerk, Mr. *Jesse White*, also violating Plaintiff rights to due process, since the alleged violation of his right under §1983, authorizes Federal Court to issue an injunction [#299].

9. Whether, the Defendants in U.S. Dist. Court 20 CV 5862, clearly lied when stated Secretary of State, Jesse White was not apart of the case, to evade Plaintiff's argument of *Ex parte Young*, 209 U.S. 209 U.S. 123-4.

10. Whether, Judge Ilana Diamond Rover decision in U.S. App. 21-2896, made weeks after giving defendant White, her "Honorable Ilana Diamond Rover Lifetime Achievement Award", was cause for her to recuse; it not only reviewed her own decision in U.S. App. 15-3096, without vacating, nor amending it, therefore, causing a Judicial Conflict, but U.S. App. 21-2896, also review U.S. Sup. 14-1173, without authority.

PARTIES TO THE PROCEEDING

Plaintiff / Appellant : DAVID R. JOHNSON.
Defendant/Appellate: STATE OF ILLINOIS et al;
(COURT OF CLAIMS; JESSIE WHITE, as
EX-OFFICIO CLERK OF COURT OF CLAIMS; Chief
Justice ROBERT J. SPRAGUE; Deputy Clerk
DELORES J. MARTIN, JUDGE NORMA F. JANN,
JUDGE PETER J. BIRNBAUM, JUDGE, ROBERT J.
STEFFEN, Judge DONALD J. STORINO, Judge
MARY PAT BURNS, Judge GERALD E. KUBASIAK
and Judge GERALD E. KUBASIAK.

RULE 29.6 STATEMENT

David R. Johnson, Pro se.

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STATEMENT OF RELATING PROCEEDING

STATEMENT OF RELATING PROCEEDING

Whereas, there was a Judicial Conflict between two of Johnson's Illinois Appellate Court decisions, U.S. Sup. 14-1173, only affirmed Il. App. 132109. It affirmed, on February 28, 2013, Illinois Court of Claims dismissed Johnson's Original Court of Claims Complaint, alleging violations of his rights during a traffic stop in which he was arrested, among other things. Instead of denying Respondents' motion to dismiss, filed Seventy-one days after the complaint's filing, absent good cause showed and leave of the Court to file, as required under Sec. 790.100, within 60 days after the filing of the complaint. Respondent argued they don't have to answer. Johnson filed a second complaint in the Court of Claims on July 26, 2012, claiming Court of Claims erred by permitting the original case to continue due to respondents' failure to answer within 60 days, which Johnson contended was a mandatory deadline under Rule 790.100 and moved for a default judgment in both cases. The Court of Claims denied the default in the original case. Johnson petitioned for review of the dismissal, it found it lack of jurisdiction, since certiorari will not lie until final judgment has been entered by the tribunal whose decision is sought to be reviewed, Reichert v. Court of Claims. Issue in original complaint. Therefore, U.S. Dist. Ct 20 CV 5862, has jurisdiction, Johnson assert violation of rights by denying default have not been resolved.

1. Citations in docket is also indicated by "R" following by the dock number, and where necessary. ":" indicated paragraph number.

2 Pro se Plaintiff may also use Bible verses as a translator and for to better understand of Johnson's statements and points, Bank v, Maxwell 171 S.E.70(N.C.1933). Philippians 4:19.

Then Conspiracy, there's alleged, default, responding to Certiorari of Il. Sup. 123815, and altering the record to show the final the decision was issued on *September 26, 2018*, [266], than *December 10, 2018*, and Plaintiff argument, Ex parte Young, 209 U.S. 209 U.S. 123-4.

Illinois Supreme Court, Case denied Plaintiff's motion for leave to file reconsideration was denied on *December 10, 2018* and "the instant Petition for Writ of Certiorari is filed within 90 days of that date. This Court has jurisdiction under 28 U.S.C. 1257(a), just as it did in Case 14-1173, entered on July 20, 2015".

There's now Judicial Conflict, between two Illinois Appellate Courts Il. App. 132109 and Il. App. 3-17-0159, 3-17-0610, has caused this Judicial Conflict in the two Federal Appellate Courts' decisions U.S. App. 15-3096, which U.S. Sup. 14-1173 and U.S. App. 21-2896, and causing division in what this Court affirmed U.S. Sup. 14-1173, with no cause just cause for deviation, and none was in U.S. Dist. Ct 20 CV 5862 nor U.S. App. 21-2896, since their decision had lied on an issue that was no longer existed and amend, by ordered the Court, while the apparently complaint that asserted claims of due process violation by alleged default and leave give to authorizes an injunction ignored. A decision that have not been vacated, nor amended.

Therefore, there's clearly a need for, Supreme Court Rule 10(a), for this Court to exercise its Supervisory, to interpret the meaning of laws, to decide whether a law is relevant to a particular set of facts, or rule on how a law should be applied, again, in this same issue that arose Il

App. 132109, which this Supreme Court, the Highest Tribunal in the nation for all cases and controversies arising under the Constitution or the law of the United States. This Court stand as the final arbiter of law and guardian of constitution liberties, Therefore, the decisions it makes as the final arbiter of law and guardian of constitution liberties, should not return void, once it's made, Isaiah 55:11, nor returned under color of law, *Timson v. weiner D.C.Ohio, 395 F. 1344,1347, Atkins v. Lanning, D.C. Okl., 415 F.Supp.186.188.* In this issue, with the appearance of legal authority or an apparently legal right, to deny Plaintiff due process on what this Supreme Court had already, apparently determined, legally, it no longer exist, (seeking damages for alleged wrong traffic stop), and did not exist R29,31,(2013) at the time U.S. Sup. 14-1173 was issued

OPINIONS BELOW

In U.S. Dist. 20CV5862, Memorandum Opinion Order states, while Johnson's complaint, just "stems" from a set of claims related to an alleged wrongful traffic stop, case 11CC1752, and dismiss, but the Court Official began to err. The alleged wrongful traffic stop wasn't seeking "over", 10 millions, base on the exhibit Court chose R.8-6. R.8 affirmed, for alleged wrongful traffic stop, only \$10 millions sought in 2010. R7. the amended complaint sought over \$10. million, because it also sought tort, which may be considered as seeking damage, but the fact is like in *Todd v State of Illinois Court of Claims 90-CC-3072, sanction, Il. Sup. Ct Rule 137,* since under Sec. 790.100. the Respondent was barred from filing any pleading and maintaining any defense, which was

violated. In the matter of the alleged wrongful traffic stop, Illinois Court of Claims R.12:2. On February 28, 2013, Court of Claims chose to dismiss Plaintiff's Original Complaint, alleged wrongful traffic stop, and gave Plaintiff 30 days to amend the original complain, which Plaintiff timely did seeking tort as sanction and default on March 29,2013, R.13:4, R.9, an the named persons. In fact Illinois Court of Clams affirmed in the notice of status hearing 2011, the Respondent was persons, not (the State) R.109, nor amend in the end. "Whereas" R.5, injunctions were sought in U.S. Dist. 20CV5862, not damages.

II. App. 132109, affirmed default in both Court of Claims Cases R.12.2-3, the Original complaint amended R.13.4, certiorari sought in Second Complaint R.13:3. and in the Original Complaint R.13:5. The Court of Claims had exclusive jurisdiction R.13:7. Why the Jurisdiction should, not lie in this Court nor in U.S. App. 21-2896. not only because U.S. Dist. 20CV5862, erred in granting a barred Respondent the Court named (the State), under 74 Ill. Admin. Code Sec 790.100, R.12:3, for defaulting, Barred from participating in U.S App. 15-2186, R.289 and the Court acknowledging, a §1983 claim, which it did R. -299, authorizes Federal Court to issue an injunction, and affirmed not only the Court of Claims, but it's also the Judges and its Clerk, who violated Johnson rights when denied Plaintiff default R.301 and II, App. 132109, "Since the appeal was taken before final judgment, it was premature. Reichert v. Court of Claims, 203 Ill. 2D 257, 261 (2003) "Generally, certiorari will not lie until final judgment has been entered by the tribunal whose decision is sought to be reviewed". U.S. Dist. 20CV5862, has jurisdiction because it haven't made a final decision,

It err in denying Johnson's "complaint" base on an alleged wrongful traffic stop the haven't existed since 2013, because it was amended, per order of the Court, it failed to decide the Amended Complaint and the Second Complaint.

JURISDICTION

The Judgment of the Court of Appeal Case 21-2896, was entered on December 21, 2022, a timely petition for rehearing was denied, January 9, 2023, a timely petition for certiorari in this was file Court on March 23, 2013, petition for certiorari was return for corrections, allowing 60 days for correction. On August 31, 2023, the Supreme United Supreme Court Clerk returned the booklets for petition for certiorari post mark August 8, 2023, it failed to comply with some rules. Plaintiff have 60 days to comply. This Court jurisdiction rest on 28 U.S.C. Sec. 455(a), 28 U.S.C. 1257(a), 28 U.S.C. §§1983, U.S.C. 1331, as will as 28 U.S.C. 2283, among others. For United State Court of Appeal for the Seventh Circuit Case 15 C 3096, February 3, 2016, has affirmed, "Illinois Court of Claims, its Judges and it's Clerk, violated Plaintiff's rights to due process, when it denied Plaintiff's motion for default judgment, and the Court acknowledgment, §1983, would authorizes Federal Court to issue an injunction, Plaintiff sought to have the Court of Claims to now do their duty, they violated his right in by denying default. Plaintiff now Case 20 CV 5862, issue the default under Sec 790.100, it was affirmed he was denied of. The Case was denied, for allegedly seeking the default what was owned was denied, because the default arose from a complaint seeking damage for alleged wrongful, despite it was amended, by order in 2013, seeking seek default owe.

JURISDICTION IN LOWER COURT

Jurisdiction in U.S. Dist. 20CV5862, arose from Il. App. 3-17-0159 and 3-17-0610, R.16-20, the 2018 mandated. It sought to review U.S. Sup Ct. 14-1173 (2015), R.126 which affirm Il. App. 132109, R.11-15, the 2014 mandate, under color of law.

The 2018 mandated insinuated, Johnson's Original Complaint arose from his claim of alleged wrongful traffic stop before Kankakee, and the Court Officials violated his rights R.12;2, R.16.

The "Status Hearing" shows both State and Kankakee Officials were named as Respondents in the Original Complaint R.109 Il. App. 132109. It affirmed Kankakee's Court Officials was just named "AMONG" Respondents, not the only Respondents. R.13:2.

Under Court of Claims Act, the Court of Claims has exclusive jurisdiction to hear and determine claims against the State only. R.13:7.

The Amended Complaint named the same Respondents R.13, and Respondents affirmed the named in the amended complaint R.114-5. Ultimately, and under color of law, Plaintiff's Original Complaint was illegally replace, and U.S. Sup Ct. 14-1173, R.126, was reviewed, without authority.

Plaintiff then filed a Second Complaint, in the Court of Claims was filed, July 26, 2012. While it argued, "the Court of Claims crrcd by permitting the original case to continue, despite the default", and named the same

Respondents, it challenged the intent of the Court of Claims and it Respondents, R.12;3. Jeremiah 30:24.

Essentially, the Second Complaint argument, under Rule 790.100, allowed Respondents 60 days to Respond or Comply under Rule 790.100 in the Original Complaint.

Respondents choosing not to do nether, resulted in Respondents' choosing to default more millions and to continue their violations of Plaintiff's rights, which lead to U.S App. 15-2186, R.301, affirming, not only the Court of Claims, but it's also it's Judges and its Clerk, also violated Johnson rights when it denied Johnson default.

There were Affirmed Default and due process violations in both Cases, and an order for the cases to remand in the State's Court, until such time the issue are resolved. Leave of the Court was also given, that an acknowledge of violation under §1983, would authorizes lower Federal Courts to issue an injunction R.22, 1Corinthians 2:10-11.

U.S. Dist. 20CV5862, Memorandum Opinion Order states, Johnson's Federal Complaint alleged claim under 28 U.S.C. 1983 and 1985, against (the State), R8-6. At R.7, who are the "the State", is reveal.

While the Federal Judge, who was an Illinois Cook County Judge, and assumed his Office as a Federal District Judge, admitted this was "somewhat difficult to discern".

In the District Judge's opinion, Johnson apparently asserted three claims under 28 U.S.C. 1983 and 1985, per

and affirmed, Plaintiff's filed two claim involving default judgments. R.347.

First: State violating his rights by denying to default.

Second: tampering to primate late filing, which the 2014 mandate affirmed.

The affirmed 2014 mandate R.126 affirmed "Generally, certiorari will not lie until final judgment has been entered by the tribunal whose decision is sought to be reviewed" Reichert v. Court of Claims, 203 Ill. 2D 257, 261 (2003) R.12 and R.126.

The Case 20 CV 5862, R.47, like the 2018 mandate R.16-20, also ignored Plaintiff's rights R.301, by ignoring default and violated Plaintiff's rights R.301.

The Third claim involved Plaintiff arguing the Commissioner should have recuse, R.347, but ironically, in the end, Commissioner's attempt to evade default, affirmed

In Commissioner's opinion, since the Respondent haven't answered within 60 days, therefore, they have default yet, because they have not filed, despite R.144-8. But Plaintiff rights to default ignored and violated R.301.

Johnson's complaint was dismissed, under Eleventh Amendment and Rooker-Feldman Doctrine, procured though, fraud, deception, accident or mistake, Ex parte

Young, 209 U.S. 209 U.S. 123-4, for seeking damages for alleged wrongful traffic, that haven't existed since 2013 R.1334. . As of March Johnson was and have been, seeking default and for the Court of Claims, its Judges and *the issuer of Illinois' Attorneys' and Judges' law license* Illinois' Claims' Ex-Officio Clerk, to do their "duty", under 74 Ill. Admin Code Sec. 790.100, like in Todd v State of Illinois Court of Claims 90-CC-3072, regardless of negligence R.5 and Tort sought R6.

RELEVANT CONSTITUTION

The Due Process Clause of the Fourteenth Amendment guarantees: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, Nor, shall any State deprive any person of life, liberty, or property, without due process of law.

STATUTORY PROVISION INVOLVE

After Plaintiff exhausting all remedies in the State, as order, U.S. App. 15-3096 R.298-301, and after Plaintiff filed Case 20 CV 5862, with the leave of the Court, U.S. App. 15-3096, stating an acknowledge of violation under §1983, would authorizes lower Federal Courts to issue an injunction.

The facts are: it wasn't the alleged wrongful traffic stop (2008), which Plaintiff would had forgave while in Kankakee Court, but the complaint state, it was the abuse of power, Ephesians 6:12, thereafter, until 2010 Johnson proceeded in Illinois Court of Claims, at a high amount, to end the abuse...but who default millions of

dollars, by choice. The Federal Complaints arose after the filing in Illinois Court of Claims, alleging wrongful traffic stop, by one of Illinois Secretary Of State's Police Official, Officer Sims, Illinois Secretary Of State Office, therefore, indirectly naming Illinois Secretary Of State, Jesse White, who's also the Court of Claims' Ex-Officio Clerk.

Plaintiff also named Kankakee Court Officials, who he claimed acted under color of law to cover up the alleged wrongful traffic stop and false arrest, default by failing to appear at the Court hearings and summary hearing, which should have suppress the evidence, among other wrongs.

Essentially, challenging Kankakee Court Officials decisions in whether it was alleged wrongful traffic stop. Kankakee Court Official, chose not respond whether there was wrongful traffic stop, and the Court of Claims , only has exclusive jurisdiction in claims against the State, 705 ILCS 505/8(a).

Therefore, Plaintiff struggles, in this issue began in 2010, in Illinois Court of Claims, it arose from Respondent defaulting, Seventy-one day, after the filing of the Court of Complaint, and in the second complaint, when the Respondent whether default and abused their power , Ephesians 6:12, instead responding.

Therefore, although Plaintiff brought alleged wrongful traffic stop claim to Illinois Court of Claims, Respondent defaulted and the Complaint was amended, to seeking default, which is what Plaintiff brought to the Federal Courts R-347.

Whereas, U.S. App.15-2186, did not determine whether Plaintiff was seeking damages for alleged wrongful traffic stop while in its Court, but affirmed, not only the Court of Claims, but also it's Judges and its Clerk, violated Johnson rights when it *denied him default*, and Plaintiff argued the same in U.S. Dist. 20CV5862.

1. 20CV5862, R.347-55, Memorandum Opinion Order states, Johnson's Federal Complaint alleged claim under 28 U.S.C. 1983 and 1985, against (the State), R8-6. At R.7, it names State's Official.
2. The Federal Judge, who was an Illinois Cook County Judge, assumed his Office as a Federal District Judge, admitted it was "somewhat difficult to discern", for him, but Johnson apparently asserted three claims under 28 U.S.C. 1983 and 1985.
3. Two claim involve default judgments. R.347. (1) State violating his rights by denying to default. (2) tampering to primate late filing.
4. The third (3) Alleging the Commissioner should have recuse, in the matter, since it sought to evade default, but it decision only delay the affirmed default.

The Commissioner's order of *October 16, 2014*, R.127-8, was base on the same arguments Johnson made in U.S. Dist. 20-cv-05862, U.S App. 15-2186, and Illinois Court of Claims, Illinois Court of Claims, its Judges and it's Clerk, violated Johnson's rights to due process, by denying him default. The Commissioner's decision, in

2014, essentially, concluded since the Respondents haven't filed to the second complaint, which was file in 2012, they haven't yet, (214) R.127-8. On January 5, 2016, Court of Claims dismissed the second complaint, essentially affirming, the Commissioner affirmed default in the second complaint, he affirmed:

1. The matter before the Commissioner was Johnson's motion to debarred Respondent, per Sec. 790.100 and disqualify the persons in the complaint to be heard.
2. Commissioner states, Johnson has misread and misplace the Rule; 74 Ill. Admin Code Sec. 790.100.
3. The rule clearly provides, a general denied of the fact shall be consider as file if the Respondent failed to answer the complaint. Respondent have not file an answer, as of 2014.
4. Therefore, by rule, Respondent, (at that time), has deemed to have provided a general denial of the complaint, under Sec. 790.100. Todd v State of Illinois Court of Claims, 53 Ill. Ct Cl. 10.
5. The rule goes on to state "except as otherwise provided in this section"... if Respondent wish to file an answer after the 60 days provided in the rule, it must show good cause and obtain leave of the Court to file affirmative pleading in the case.

It also stated, the State argued, despite the Defendants

been barred under 74 Ill. Admin Code Sec. 790.100, R.148, barred from filing any pleading and maintaining any defense, and Plaintiff argued in 20 CV 5862 R.5, as argued in the Court of Claims.

Plaintiff sought to have the Court of Claims to do a specified *duty*, requiring, the Court to disallow any verified response by the Respondents, after 60 days and to enter a notice of default judgment, where the Respondent, can not show good cause for failing to file a response within the 60-days period, like in Todd v. Court of Claims, regardless of a wrongful traffic stop, Todd v State of Illinois Court of Claims, 90-CC-3072 and issue tort R.5.

While Plaintiff may have considered settling, with the tort sought, R.6, not the default, since it maybe damages, Defendants waived that option, and Respondents defaulted also on tort, when it defaulted, Gainsburg v. Dodge, 193 Ark.473, 101 S.W. 2d 178 180, also in the amended Complaint R..

Judges has a duty to act *sua sponte*, if no motion or affirmative is timely filed Balistreri, at 1202, but Plaintiff, as prose, was given same protection and rights of the law, nor to be treated equally, as others under 74 Ill. Admin Code Sec. 790.100, Todd v State of Illinois Court of Claims 90-CC-3072, Brown v. Board of Education 37 U.S. 483, therefore, like in Brown, Plaintiff rights were also being violated, not only by Illinois Court of Claims, but also by the Judges and its Clerk, as affirmed R.301, but while newly appointed Judge, from Cook County Circuit, admitted, it was somewhat difficult for him to discern, he did not considered the default, but

it was the alleged wrongful traffic stop by (the State), Defendants argued, who consist of persons named in the complaint R.29, therefore, there was no cause for the dismissal under Eleventh Amendment and Rooker-Feldman Doctrine, for the Respondents, in Plaintiff's complaint, 11CC1752 R.106-22, which consist of persons, that the Eleventh Amendment and Rooker-Feldman Doctrine, don't apply to, such as the Police Officer who committed the allege wrong traffic stop.

In the Second complaint, Respondents was named "State of Illinois's et al" R.106-22. It stated, Johnson filed a second complaint in the Court of Claims, on July 26, 2012, naming only the *State of Illinois*, alleging that the Court of Claims erred by permitting the original case to continue due to respondents' failure to answer within 60 day, which Plaintiff contended, was a mandatory deadline under Rule 790.100, 74 Ill. Admin Code Sec. 790.100, R.12;3, but it maybe still pending, since dismissal under Eleventh Amendment and Rooker-Feldman Doctrine, therefore 20CV5862, has jurisdiction.

While the second complaint, Case 13CC0217, made had only named the State of Illinois, "et al, it including "et al" is [Shortening of Latin et alibi "and elsewhere"].

Therefore, Plaintiff's complaints, wasn't just against the State, as a Respondent, but also "et al" in the Second complaint, which argued State of Illinois, et al, Court of Claims erred by permitting the original case to continue due to Respondents' failure to answer, which, challenged the intent of

the Court of Claims and Respondents, which includes, Illinois Secretary of State Jesse White, as Illinois Court of Claims Ex-Officio Clerk and the Court's Judges, on July 26, 2012, R.12:3

In October 2012, more than 60 days after the filing of the second complaint, Court of Claims Official, who should know their Rules, Sec. 790.100, chose to answer to answer more than 60 days after the filing of the second complaint.

Since Illinois Secretary of State Office, was named as a Respondent, the Ex-Officio Clerk, for Illinois Court of Claims, was later name it required the Court of Claims it's Official, including their Commissioner who show bias, to recuse, *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868, on account of potential, actual conflict of interest.

Which included Illinois Court of Claims' Highest Paid Court of Claims' Commissioner, at the time, in explaining 74 Ill. Admin. Code Sec. 790.100, and admitting as of *October 2016*, Respondent haven't respondent to the complaint filed July 26, 2012. In October 2012, Plaintiff moved for default in both cases Il. App. 132109:2-3, despite Federal Appellate Court decision.

On *February 3, 2016*, prior to Court of Claims' Commissioner's decision later, U.S. App. 15-2186, affirmed, not only it was Illinois Court of Claims, but also the Judges and its Clerk, are violating Plaintiff's rights by denying him default, and leave of the Court was given, acknowledging alleging a violation under §1983, would

authorizes Federal Court to issue injunction, R.298-301.

STATEMENT

Whereas, Case 20CV5862, referred Plaintiff's Case to being, somewhat difficult for him to discern, but like the others Courts, State and Federal, who had jurisdiction, the newly appointed Judge also recognize, not only Illinois Court of Claims, but it Judges and Clerk, also violated Plaintiff's rights, when it denied Plaintiff default.

While the newly appointed Judge admitted to it was "somewhat difficult to discern" for him. While Judge, like anyone, *desire* the respect of being as a Judge, moreover Federal Judges, but a strong desire may cause Situational avoidance, avoiding duties, with regards to it, such as first, acknowledging what as being avoided.

1. Johnson's *Complaint* stem from, (originated from, but not the issue), a set of claims (demand something as entitlement).
2. He was seeking over \$10 millions in damages related to (association with) an alleged wrongful traffic stop, (705 LCS 505/8 (d) (ii), 2010).
3. Which were filed and subsequently dismissed by the Illinois Court of Claims, R8-6, August 2016, with the acknowledged, they was violating Plaintiff's rights. (*U.S. App. 15-2186, not only the Court of Claims, but it's also it's Judges and its Clerk, also violated Johnson rights when it denied him default August 2015 R.298 a year before the*

dismissal.)

4. The Illinois Court of Claims' Support dismissed R8-6 for seeking damages for alleged wrongful traffic stop, if the complaint, wasn't amended, but it was amended on to seeking default R.7,8, 9,13, in 2013.
5. Therefore, Illinois Court of Claims, are knowing violating rights Plaintiff rights, by denying him the default he was entitle to as affirmed despite the decision in U.S. App. 15-2186, by falsely claiming, Plaintiff was still seeking for the alleged wrongful traffic stop, it ordered Plaintiff to amend in 2013, which he timely did, R.12;4
6. The Court affirmed the Complaint was amended, when it granted the Respondent, who should have barred under 74 Ill. Admin Code Sec. 790.100, from filing any pleading and maintaining and Defendant's under color of law granted, motion to dismissed the amended complaint R.7, and it was used to show subsequently dismissed by the Illinois Court of Claims R.347.
7. Despite, the Court acknowledging subsequently the Illinois Court of Claims dismissed the mandated complaint R.347 and the Respondents included persons, State Officials and the Police Officer who made the alleged wrongful traffic stop R7-9, it still granted Respondents' motion to dismissed, and essentially, aided in Illinois Court of Claims, its Judges and its Clerk, violating Plaintiff's rights by denying him default R.301.

As such, 20-cv-05862, choosing not barring the Defendants' under 74 Ill. Admin Code Sec. 790.100 for defaulting, An omission of that which ought to be done, *Town of Milton v Bruso, 111 Vt. 82, 10 A.2d 203, 205*, was affirm Il App. 132109 and it by U.S. Sup. 14-1173, also barred from filing any pleading and maintaining any defense R.148.

Therefore, Defendant's respond must be muted, from the time they default in 2011 R.12, and only Plaintiff's complaint considered, whereas, regardless of negligence, Todd v State of Illinois Court of Claims 90-CC-3072, R.5.

At "WHEREAS," Plaintiff claimed, sought Court of Claims R. to do their "duty", disallow any verified response by the Respondents, after 60 days and to enter a notice of *DEFAULT JUDGEMENT*, where the Respondent, can not show good cause for failing to file a response within the 60-days period, Sec 790.100, R.5, Todd v State of Illinois Court of Claims 90-CC-3072, regardless of negligence.

The Defendants, Court of Claims, are known for many other names, aka, State of Illinois, R.5, R.2,7,9, 38, 63, 69, 126-134,151, 268-9, doing other wrong to prevent the prevent the issuing of the default, when they only had to respond timely, within 60 days, but the in 2010, there was no limit in the amount that could be sought under *705 LCS 505/8 (a),(d),(ii) 2010*, like in Todd v State of Illinois Court of Claims, 90-CC-3072 R.55, regardless of negligence if they defaulted.

In Todd v. Illinois Court of Claims, in Case No. 90-CC-3072, Claimant J. W. Todd was awarded

\$425,000; Claimant Dorothy Todd was awarded \$325,000. Also an amount of \$25,000, was awarded to each of them for the loss of consortium.

Plaintiff, then filed a second Court of Claims Complaint, July 26, 2012, claiming the Court of Claims and its Officials were violating his right by permitting the original continue, due to Respondents' failure to answer within 60 days (Sec, 790.100), which Johnson contended was a mandatory deadline under Rule 790.100 R-12-13

1. October 2012, more than 60 days after the filing of the second complaint, Johnson moved for a default judgment in both cases, Ill. App. Ill. App. 132109.
2. On December 26, 2012, the Court of Claims, only denied the original complaint, which alleging wrongful traffic stop.
3. On February 28, 2013, the Court of Claims dismissed the original complaint but gave him 30 days to amend the original complaint.
4. On March 29, 2013, Johnson amended his Original Complaint, as ordered, to seeking the default he was entitle to and tort, under Ill. Sup. Ct Rule 137, for causing unnecessary delay and needless increase in the cost of litigation, as Todd v State of Illinois Court of Claims, 90-CC-3072 sought.

It has been over a decade since Defendant default in Plaintiff original, therefore, per U.S. App. 15-3096,

REASON FOR GRANTING THE PETITION

U.S. Sup. 14-1173 already determine the outcome, when it affirmed Il.App.132109, finding R.12, the Defendant defaulted in Illinois Court of Claims in 2011 in the original complaint and Second, 2012. The problem is which Avenue to pursue.

1. That Johnson maintains, the Court of Claims should had granted default judgment, due to Defendant's failure to abide by 74 Ill. Admin Code Sec 790.100, which fourth set the time for the Respondent to answer a complaint. R.12;1.
2. Il.App.132109, "Since the appeal was taken before final judgment, it was premature" and the Reviewing Court "could not consider any other matters brought before it, Reichert v. Court of Claims, 203 Ill. 2D 257, 261 (2003). "Generally, certiorari will not lie until final judgment has been entered by the tribunal whose decision is sought to be reviewed". It also applies in U.S. Dist. Ct 20 CV 5862.

Plaintiff filed a "Complaint" in U.S. Dist. Ct 20 CV 5862, maintaining, the Court of Claims still have issue, the default, under 74 Ill. Admin Code Sec 790.100, which is against themselves, in the second complaint Case 13CC0217, and included the Ex-Officio Clerk of the Court of Claims in the original complaint Case 11CC1752, E.12.

1. The Original Complaint, *before it was amended*, alleged wrongful traffic stop by Court of Claims ' Ex-Officio Clerk, State Police

Officer. The Ex-Officio Clerk and other Respondents chose not respond, Sec 790.100, it was amended by order. Plaintiff amended complied sough tort and default instead, R.13;4,29,31.

2. The Second Complaint, alleged violation of his rights tampering with the right to primate late filing in the original complaint R.12;3.
3. Plaintiff brought both Court of Claims cases the Federal Courts as a "Complaint" R.2, not a certiorari review.

In U.S. Dist. Ct 20 CV 5862, where Plaintiff brought a "complaint", not a "claim", seeking Illinois Court of Claims to do something.

1. Therefore, Plaintiff sought an injunction, not damages for alleged wrongful traffic stop, but at "whereas" for the Court of Claims to do its "duty".
2. For the Court of Claims duty, Plaintiff argued, to disallow any verified response, where the Respondent, failed show good cause for failing to file a response within the 60-days period as required under Sec 790.100, but in their response to their duty, despite Sec 790.100, also barred the from filing if violated, they State it appear Plaintiff is challenging Court of Claims deny his motion for default, while in the Federal Court R.51, instead of complying with Sec 790.100. Moreover, when, it was affirmed, U.S. App. 15-3096 R.301, the Court of Claims, its

Judges and Clerk was violating Plaintiff's rights by denying him default, but left out its Judges and its Clerk R.301, moreover R.299.

3. U.S. App. 15-3096, also gave Plaintiff leave, of the Court, that an acknowledgement of alleged violation under §1983, and would authorizes lower Courts to issue the injunction, after he exhausting all remedies in State R.299.
4. Defendant affirmed Plaintiff's petition in Illinois Supreme Court was denied, but the U.S. App. 15-3096 decision's out weigh Illinois Supreme Court.

This Supreme Court U.S. Sup. 14-1173, affirming Il. App. 132109, therefore, it affirmed, "Since the appeal was taken before final judgment, it was premature" and the Reviewing Court "could not consider any other matters brought before it, Reichert v. Court of Claims, 203 Ill. 2D 257, 261 (2003). "Generally, certiorari will not lie until final judgment has been entered by the tribunal whose decision is sought to be reviewed".

Non-compliance Is Cause

The reason the State, its Offices and Federal Court within the State continue preventing Plaintiff's certiorari from being had, moreover, now due their non-compliance with U.S. Sup. 14-1173.

It affirmed, Il. App. 132109, "Since the appeal was taken before final judgment, it was premature" and the Reviewing Court "could not consider any other matters

brought before it, Reichert v. Court of Claims, 203 Ill. 2D 257, 261 (2003). "Generally, certiorari will not lie until final judgment has been entered by the tribunal whose decision is sought to be reviewed"

The Judicial Conflicts are grow, is why their a need for, this Supreme Court, Rule 10(a), if nothing else, allow Plaintiff leave to file another an another State jurisdiction, since this of affirmed default, and certiorari will not lie until final judgment has been entered by the tribunal whose decision is sought to be reviewed, more support as follow;

Filing U.S.Dist.Ct.20-CV-5862

In U.S.Dist.Ct.20-CV-5862, Plaintiff brought a "complaint", not a "claim". He alleged violation under §1983, seeking the Court to do something, to have Illinois Court of Claims Court do their duty under 74 Ill. Admin Code Sec. 790.100, in his Amended and Second complaint. Plaintiff had complied with U.S. App. 15-3096, but there was a newly appoint District Court Judge, from Cook County Court, in Illinois. He assumed his Office as a Federal District Judge, last the week, before being assigned to Plaintiff case, at the time of covid.

U.S. App. 15-3096 Err1

The newly appoint Judge just follow the arguments of the Defendants, instead of following the order of the Higher Courts, as Plaintiff did.

U.S. App. 15-3096 Err 2

Therefore, Plaintiff seeking an injunction, R.299- 301. Defendant stated, Plaintiff return to the Federal Court, and despite arguing R.299-301 and U.S. Sup. 14-1173, affirming Il. App. 132109, affirming Reichert v. Court of Claims, 203 Ill. 2D 257, 261 (2003), default and the amended complaint R.12, While Defendant argued Plaintiff returned to the Federal Court seeking damages not damages for alleged wrongful traffic stop, the newly appointed Judges agreed, which only supported Plaintiff's Claims in Illinois Court of Claims, and why he's arguing default, it the only issue that need to be resolve, but no one want to issue the order.

At "whereas" Plaintiff is seeking to have Court of Claims to do its "duty" which U.S. App. 15-3096 R.299-301, affirmed exist.

U.S. App. 15-3096

U.S. App. 15-3096, affirmed Illinois Court of Claim, it's Judges and it Clerk violated Plaintiff rights to due process which it denied Plaintiff's motion for default judgment. Since Defendants affirmed Plaintiff exhausted remedies in State as required, per order, Plaintiff essentially had, leave of the Court, when acknowledged alleged violation under §1983, would authorizes lower Courts to issue the injunction R.299-301. It also barred Defendants from participating, just as they should have been barred under Sec. 790.100, R.12, and Plaintiff made the request in U.S. App. 15-3096.

Tampering 1.

Defendant affirmed, there was a final decision in Johnson v. Illinois Court of Claims 123815, R.51, but there has always been a conflict, in whether the Final Decision was entered, September 26, 2018 or December 10, 2018, even with the outstanding help and knowledge from U.S. Court Clerk Office.

1. The time was limited, but the State continue to claiming, the final decision was issued in September 26, 2018, despite Plaintiff received a decision for December 10, 20, 2018.
2. Plus the September 2018, states a mandate was pending 10/31/2018 R.257.
3. But it also affirmed on September 26, 2018, the alleged was resolved R.258-9, also see this matter in the law book for certiorari reviews. R.255.

Tampering Raised By Defendants

Since Defendant agreed Plaintiff argued "tampering", with Illinois Supreme Court 123815, Defendant open the door for this issue could be heard, Ex parte Young, U.S. 123-4 among, other issue including whether the Defendant filed false documents in the Supreme Court, a crime.

1. Since Illinois Supreme Court affirmed (1) In September 26, 2018, the final decision Johnson v. Illinois Court of Claims 123815, was issued on September 26, 2018. (2) the September 26, 2018

mandate states, pending until 10/31/2018, therefore it wasn't the final decision R.268-9. (3) Then there's the order issued on December 10, 2018 R.256 and the Petition to United States Supreme Court and books that includes it.

**"In the Supreme Court Of The United States
Petition For writ Of Certiorari" 123815**

Illinois Supreme Court, denied Plaintiff's petition for leave to appeal, where Circuit Court Judge in this Case, was the Clerk for honorable Illinois Supreme Court Judge Thomas Kilbride prior to becoming a Circuit Court Judge in Plaintiff's certiorari review. None of the Judges recuse, although Plaintiff made the request, in this case where he sought \$20,100,000.00, in monetary damages. It states in,

JURISDICTION IN 123815

Illinois Supreme Court, Case 123815, denied Plaintiff's motion for leave to file reconsideration was denied on *December 10, 2018* and the instant Petition for Writ of Certiorari is filed within 90 days of that date. This Court has jurisdiction under 28 U.S.C. 1257(a), just as it did in Case 14-1173, R.126 entered on July 20, 2015".

STATEMENT OF CASES: 123815

"The Judicial Conflict arose from the State reviewing the 2014 mandate *705 LCS 505/8 (a),(d),(ii) 2010*. the Court of Claims false claims of hearing the complaint to granted Respondent's invalid motion, and that the first

certiorari already dismissed dismiss the Court of Claims cases, cases under 2-615(a), and the State's failure to allow the writ of certiorari and/or follow the 2014 mandate to determine whether Plaintiff was repleading to cure Respondent's false claim of dismissal, when the Respondent should be debarred from filing any pleading and maintaining a defense in the Court of Claims and should be barred from participating in this Court due to their violation under 74 Ill. Admin. Code Sec 790.100. R.255.

NO JUST CAUSE GIVEN

While Defendants agreed, Plaintiff argued he's entitle to the amount the Defendants defaulted, R.50,7,12, while was under Ill. Admin. Code Sec 790.100, like in Todd v State of Illinois Court of Claims, 90-CC-3072, R.5, which should had also *barred* them from filing any defense and from maintaining *and any defensc*, clearly they violated this rule.

While Defendants agreed, Plaintiff alleged wrongful Traffic Stop, for alleged dui, in which Plaintiff was allowed to pay his own bond R.97, which would had violated laws, if he was dui.

The Arresting Official also failed to read Plaintiff's his rights, among other things, the Arresting Officer writings as if he was dui, what kind of shoes was Plaintiff wearing and was his vehicle not towed because he continue to change the information of it, with a list of other errs R.95-6, moreover, the Illinois Secretary of State Office closed.

There was many of Police Officers at the Police Station, that did not consider Plaintiff was dui, they eve place their job on it, by releasing Plaintiff on bond, to drive more than a hour back to Chicago, all support, there was just cause for the traffic stop and violation of Plaintiff's rights.

U.S. Dist. 20CV5862, Memorandum Opinion Order states, Johnson's Federal Complaint alleged claim under 28 U.S.C. 1983 and 1985, against (the State), the list of the State's names R.7, and it was the mandated complaint R.13;4, at "whereas" sought to have Court of Claims do their "duty" issue the default R.5, an argument Defendants waiver Goodpaster v. City of Indianapolis, 736 F.3d 1060, 1075 (7th Cir. 2013), false claim Plaintiff was seeking damages for alleged wrongful traffic stop claims that was amended in 2013 to tort and default, and why, U.S. App. 15-2186, Acknowledged, alleged violation under §1983, would authorizes lower Courts to issue the injunction, and in Case 20-CV-5862, the Court found Johnson apparently asserted three claims under 28 U.S.C. 1983 and 1985, 2 were for default. the 3rd the commissioner should have recuse, R.347-8, none sought damages for alleged wrongful traffic stop, that was amended in 2013 R13;4, which U.S. App. 15-2186, authorized Plaintiff to do and barred Defendants from from participating, R.298-9.

Therefore, no cause was given for dismissal under Eleventh Amendment and Rooker-Feldman Doctrine, it were clearly procured though, fraud, deception, accident or mistake, Plaintiff's arguments of Ex parte Young, U.S. 123-4, was an exception to Eleventh Amendment and Rooker-Feldman Doctrine Case 20-CV-5862, and the

appeal came as a cost.

U.S. App. 21-2896

Plaintiff returned appealed, after complying with case 15-2186.

1. Judge Ilana Diamond Rover, was the only one of the three Judges, in U.S. App. case 15-2186, and chose not to recuse, after her fundraiser, on December 8, 2022, after raising a lot money for her Lifetime Achievement, and Public Service Awards and Installation Dinner, from friends.
2. Their there First Special Recognition was for the Defendant, Honoree Jesse White, who also received the "Honorable Ilana Diamond Rover Lifetime Achievement Award", at the Hilton Doubletree 9599 Skokie Blvd. Skokie, Illinois 60077 \$175 per person \$1,750 per table Diamond scholarship Sponsor were \$2,500, "(312) 593-8953 or email bobgordon9@aol.com"

Ironically, Judge Ilana Diamond Rover, was one of the three Judges, in U.S. App. 15-2186, they affirmed, not only Illinois Court of Claims, but also it's Judges and its Clerk, who is Defendant Jesse White, and now receiving the "Honorable Ilana Diamond Rover Lifetime Achievement Award", after allegedly, indirectly spending a lot of money for this First Special Recognition, weeks before decision in Case U.S. App. 21-2896, where Honorable Ilana Diamond Rover, chose not to recuse, but to ignore her decision in U.S. App. 15-2186, R.301, consider the order issued in 2012, prior

damages was sought in the 2018 mandate alleged for alleged wrongful traffic stop, in which he was arrested...

4. It knowingly falsely shows Plaintiff named only Kankakee County Court Officials, no State Officials, for the Complaint can be dismissed under color of law, lack of jurisdiction, which was why the State conspired for to prevent the United States Supreme Court from hearing Il. App. 3-17-0159/0610, R.16-20.
5. Il. App. 3-17-0159/0610, R.16-20, is also Defendants' evidence in this appeal in U.S. Dist. 20CV5862.
6. Under Sec.790.100, Respondent, defaulted and should have been barred from filing any pleading and maintaining any defense, just as they should have been in Il. App. 3-17-0159 and 0610, R.16-20, but the records tampered R.255, to prevent this Court from reviewing it.
7. By falsely leading this United States Supreme Court, in believe the final decision was issued September 26, 2018, R.257, when it was December 10, 2018, R.56,
8. They also attempt to show although the Court of Claims has exclusive jurisdiction in claims against the State, 705 ILCS 505/8(a), as affirmed R.13;7, because only shows Plaintiff named Kankakee County Officials, it lacked jurisdiction, but jurisdiction was already affirmed by this Court

to the amended complaint in 2013, from defendants' records R.61, which show the complaint was amended as order, and support R.35.

2018 Mandate Conflict

Defendants presented Summary Order of Il. App. 3-17-0159/0610, R.16-20. It arose from the decision in Will County decisions R.66-7. R.130-2 and Respondents R. 184-8 and 55 130-2, with caused the Judicial Conflict between two Illinois State's Appellate Court decision, Il. App. 1-13-2109, which was the only one heard and affirmed by this Court, U.S. Sup.14-1173, the err in considering the final decision in September 26, 2018, when issues was still pending on December 10, 2018, R.56.

1. In 2010, Johnson wasn't seeking \$10,100,000, R.16,30, that was the amount after the complaint was amended, by order of the Court R.13;4, in 2013, and at that time he was seeking tort and default R31, clearly he wasn't seeking damages for alleged wrongful traffic stop March 29, 2013.
2. What was affirmed U.S. Sup.14-1173,when it affirmed Il. App. 1-13-2109, the original complaint was filed in 2010, Respondent defaulted because they chose to filed rely 71 days after the filing of the Complaint, R.168, therefore they defaulted R.148.
3. While the Respondents, in the Original Complaint included State's and Kankakee County's Official, the 2018 mandate states

in U.S. Sup. 14-1173, it affirmed the abuse of power in II. App. 1-13-2109, U.S. App. 15-3096 as well, and they still stands.

9. In U.S. App. 15-3096, three Federal Judges sworn on their oath, Plaintiff's rights was violated when he was denied default, by Illinois Court of Claims' it's Judges and it's Clerk R.298-301, the Clerk was Secretary of State Jesse White, acted in his capacity as the Ex-Officio Clerk, R.11-2.
10. As Judges, they had sworn, Plaintiff exhausting all remedies in the State and alleging due process violation, would authorizes Federal Court to issue an injunction R.312, which Plaintiff complied with to filed U.S. Dist. 20CV5862.

CONCLUSION

Essentially, one of the Federal Appellate Judge in U.S. App. 15-3096, may had ignored their oath. She chose not to recuse, in U.S. App. 21-2896 Caperton v. A. T. Massey Coal Co., 556 U.S. 868, but to profit, by Honoring Defendant Jesse White, with her "Lifetime Achievement Award", and as affirmed in U.S. App. 15-3096, since it was never vacated, nor amended, per order she and the other Judges in U.S. Dist. 20CV5862 and U.S. App. 21-2896, would had knowing violated Plaintiff's rights, when they, having the order U.S. App. 15-3096 before them, still chose to ignore it, despite causing a Judicial Conflict between two Federal Appellate Court decisions and the decision in U.S. Sup. 14-1173, affirming defaults, the Court ignoring their Rules, Sec. 790.100, thereby depriving Plaintiff the same right, when the Clerk of the

Court was named, therefore ethics was misplace corruptions shown, for to protect the Ex-Officio Clerk.

Plaintiff's arguments of Ex parte Young, U.S. 209 U.S. 123-4, were the exceptions to the decision made under Rooker-Feldman Doctrine and Eleventh Amendment, which was procured though fraud, deception and false argument, such as Mr. Jesse White, was not a part of this issue, despite finding in U.S. App. 15-3096, he was, while acting in his capacity as the Ex-Officio Clerk.

While seeking to protect Mr. Jesse White's image, Defendants waiver the finding in U.S. App. 15-3096, affirming the Court of Claims' Judges also violated Plaintiff rights when they denied him default. Therefore, Ex parte Young, U.S. 209 U.S. 123-4, still applied whether all, as affirmed U.S. App. 15-3096, or just the Court of Claims' Judges and others Judges who knowing of U.S. App. 15-3096, still denied Plaintiff's rights to default, despite it's origin.

Rooker-Feldman Doctrine and Eleventh Amendment also dose not applied, despite Plaintiff's Original Illinois Court of Claims Complaint, arise from alleged wrongful traffic stop, but Defendants defaulted while in Illinois Court of Claims, and in 2013, the Original Complaint alleged was amended, by as ordered of Illinois Court of Claims. Plaintiff has been seeking an injunction to have 74 Ill. Admin Code Sec 790.100 since, which Plaintiff also argued at "whereas" R.5.