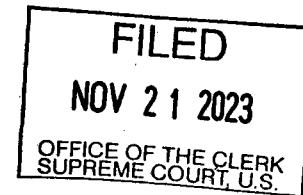


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23 - 7657

DOCKET NO. 23A456;

DOCKET NO. 23A457



IN THE
SUPREME COURT OF THE UNITED STATES

(RESUBMITTED) PETITION FOR CERTIORARI

In re Willis, No. 22-1133, 2023 WL 2300655 (3d Cir. Mar. 1, 2023); AND
Rehearing Opinion CA3 Dkt # 22-1133, ECF No. 157-2; AND *In re Willis*, No. 22-2048, 2023 WL 2808458 (3d Cir. Apr. 6, 2023); AND
Rehearing Opinion CA3 Dkt # 22-2048, ECF No. 85-2.

Leslie Willis, Petitioner, Pro Se

P.O. Box 1153,¹ Bowie, MD

Maryland 20718

lwillis222@yahoo.com

No. Tele # Avail.

Notice to:

Jordan M. Webster, Esq. (Pa. 200715);

Buchanan Ingersoll & Rooney, PC,

For: PNC Bank, N.A. and

The PNC Financial Services Group, Inc.,

501 Grant Street, Suite 200, Pittsburgh, PA 15219-4413,

jordan.webster@bipc.com, 412 392 1667 (office); 412 977 4628 (cell)

¹ NOTICE: Petitioner's last legal address. Petitioner is domiciled in Maryland. However, at this time, Petitioner is in Pittsburgh, PA. Petitioner will not receive any correspondence at the Maryland address (which is no longer active). EMAIL is Petitioner's primary means of communication. Petitioner requests all Court correspondence via email.

QUESTIONS PRESENTED

A. QUESTION PRESENTED: Whether there is an ongoing violation of Fourteenth Amendment due process rights under the Constitution of the United States, an unfair tribunal, and an appearance of partiality, where **The Honorable President of the United States, Joseph R. Biden, Jr., apparently, in support of highly controversial and political LBGTQ agenda,** commanded the appointment of a Judge, who is a member of the LBGTQ community, who presides (or presided) on a three-Judge Panel, in Circuit Court proceedings, for a private citizen's Appeals; and where the Judge sat on a Panel which denied a Motion for his or her own Disqualification; and whether the Judge must disqualify from the Appeals.

B. QUESTION PRESENTED: Whether the Court of Appeals for the Third Circuit sanctioned a pervasive judicial misconduct, bias and prejudice in affirming a District Judge and Magistrate Judge refusal to disqualify from Court proceedings upon a Motion for judicial Disqualification/Recusal in accordance with

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28 U.S. Code § 144 and 28 U.S. Code § 455 (involving a Magistrate Judge extrajudicial affiliation with the American Bar association social-political agenda in support of the LBGTQ community and LBGTQ rights; and where a District Judge sanctioned the misconduct); and in an ongoing violation of substantive and procedural Fourteenth Amendment Due Process Clause, Petition Clause, and Equal Protection Clause rights under the Constitution of the United States; and whether the District Judge and Magistrate Judge must disqualify.

C. QUESTION PRESENTED: Whether the Supreme Court should promulgate a Fed. R. Civ. P. Rule 27(a) cause of Action for the Perpetuation of Evidence ***concealed*** (e.g. Trust documents), where most circuits, including the Third Circuit, *do not* provide a Fed. R. Civ. P. Rule 27(a) cause of action for testimony ***concealed*** but, rather, for Evidence **lost, stolen, or destroyed** (*Ash v. Cort*, 512 F.2d 909, 911 (3d Cir.1975)); and where the Second Circuit provides a Fed. R. Civ. P. Rule 27 cause of action to perpetuate testimony that is **lost, concealed, or destroyed** (*In*

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re Petition of Yamaha Motor Corporation, U.S.A., 251 F.R.D. 97, 99 (N.D.N.Y. 2008)); AND Whether the Court of Appeals for the Third Circuit and/or the District Court for the Western District of Pennsylvania, should adjudicate the ***precise question***, in a Fed. R. Civ. P. Rule 27(a) Petition to Perpetuate Evidence, as to whether Trust documents are ***concealed***.

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LIST OF ALL PARTIES

1. Leslie Willis, Petitioner ²
2. PNC Bank, N.A./The PNC Financial Services Group, Inc. (“PNC”), Respondents³

DIRECTLY RELATED CASES

1. United States Court of Appeals for the Third Circuit, **CA3 Dkt No. 22-1133, 22-1644, 22-1900**, consolidated, In Re: Petition of Leslie Willis to Perpetuate Evidence Pertaining to The Trust for Annie Pearl (White) Willis (3d Cir. Mar. 1, 2023) (**Rehearing Opinion, Aug. 21, 2024**).
2. United States Court of Appeals for the Third Circuit, **CA3 Dkt No. 22-2048 and 22-2049**, consolidated, In Re: Petition of Leslie Willis to Perpetuate from Dolores Willis Evidence (Trust Documents)

² Petitioner is proceeding pro se and in forma pauperis in this Court.

³ Dolores Willis is not a Respondent-Defendant in any of the Federal Court Actions (Except the ‘Petitions for Declaration of Rights,’ filed in accordance with Fed. R. Civ. P. Rule 27(a)(1)(A)(B), pursuant to 28 U.S.C.S § 1367(a) supplemental jurisdiction and 28 U.S.C. § 2201(a) creation of remedy), which are not yet ‘*in Court*’).

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Pertaining to 'The Trust for Annie Pearl (White) Willis,' AND In
Re *Second* Petition of Leslie Willis to Perpetuate from Dolores
Willis Evidence (Trust Documents) Pertaining to "The Trust for
Annie Pearl (White) Willis⁴ (3d Cir. Apr. 6, 2023) (**Rehearing**
Opinion, Oct. 4, 2023).⁵

3. United States District Court for the Western District of
Pennsylvania, **Docket No. 2:20-CV-01833-DSC-LPL**, In Re:
Petition of Leslie Willis to Perpetuate Evidence Pertaining to 'The
Trust for Annie Pearl (White) Willis,' (W.D. Pa. Oct. 27, 2021) (See:
CA3 Order to Amend the Caption, CA3 Dkt 22-2048, ECF No. 6).

⁴ District Court Caption reads: 'In Re: Petition of Leslie Willis to Perpetuate Evidence Pertaining to 'The Trust for Annie Pearl (White) Willis' (But See: CA3 Order to Amend the Caption, CA3 Dkt 22-2048, ECF No. 6).

⁵ The Opinion for this Appeal, at Docket # 22-2048, states that, "*We have recently affirmed the denial of another Rule 27 petition in which Willis sought these same documents. See In re Willis, No. 22-1133, 2023 WL 2300655 (3d Cir. Mar. 1, 2023) (per curiam) ... These consolidated appeals suffer from the same shortcoming we identified in Willis's prior appeal...*" (Opinion, ECF No. 44, p. 3) Thus, the Judgment Order (ECF No. 45-1) and Opinion, ECF No. 44, at Docket # 22-2048 are in reference to, and based upon, Docket # 22-1133 Judgment Order, ECF No. 126, and Opinion, ECF No. 127-1; See Also: Docket # 22-1133, ECF No. 125 – Order Denying a Motion for Disqualification of Panel Judge(s). The Hon. Judge Bibas presided on the Panel for the Appeals at CA3 Docket # 22-1133, 22-1644, and 22-1900, consolidated, as well as the Appeals at Docket # 22-2048 and 22-2049, consolidated.

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4. United States District Court for the Western District of Pennsylvania, **Civil Action No. 2:22-mc-00570-DSC-LPL**, In Re: Petition of Leslie Willis to Perpetuate from Dolores Willis Evidence (Trust Documents) Pertaining to 'The Trust for Annie Pearl (White) Willis' (W.D. Pa. May 25, 2022).
5. United States District Court for the Western District of Pennsylvania, **Civil Action No. 2:22-mc-00588-DSC-LPL**, United States District Court for the Western District of Pennsylvania In Re *Second* Petition of Leslie Willis to Perpetuate from Dolores Willis Evidence (Trust Documents) Pertaining to "The Trust for Annie Pearl (White) Willis (W.D. Pa. May 27, 2022).
6. United States Court of Appeals for the Third Circuit, **CA3 Docket # 19-2094**, Leslie Willis, Petitioner, v. Lawrence J. O'Toole, Judge, Court of Common Pleas of Pennsylvania, Allegheny County, et al., (3d Cir. March 2, 2020) (Rehearing, December 2, 2020)
7. United States District Court for the Western District of Pennsylvania, **Dkt No. 2:18-CV-00290-DSC**, Leslie Willis, Petitioner, v. Lawrence J. O'Toole, Judge, Court of Common Pleas

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of Pennsylvania, Allegheny County, et al., (W.D. Pa. Apr. 12, 2019)

(Rehearing, May 14, 2019).⁶

8. The Supreme Court of the United States, Sup. Ct. Docket No. 21-

5832, In Re Leslie Willis, Petitioner (i.e. Petition of Leslie Willis

For Writ of Mandamus directed to: PNC Bank, N.A./The PNC

Financial Services Group, Inc. ("PNC")). (December 6, 2021)

(Rehearing, February 22, 2022)

9. The Supreme Court of the United States, Sup. Ct. Docket No. 21-

5833, In Re Leslie Willis, Petitioner (i.e. Petition of Leslie Willis

For Writ of Prohibition directed to the District Court for the

Western District of Pennsylvania). (December 6, 2021) (Rehearing,

February 22, 2022).

10. United States Court of Appeals for the Third Circuit, **CA3 Dkt 23-**

3212, In Re: Petition of Leslie Willis to Perpetuate Evidence

Pertaining to The Trust for Annie Pearl (White) Willis' (Opinion

Pending).

⁶ District Court Dkt # 16-0075, voluntarily dismissed.

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11. United States Court of Appeals for the Third Circuit, **CA3 Dkt 24-1730**, In Re: Petition of Leslie Willis to Perpetuate from Dolores Willis Evidence (Trust Documents) Pertaining to The Trust for Annie Pearl (White) Willis' (Opinion Pending).
12. United States Court of Appeals for the Third Circuit, **CA3 Dkt 24-1731**, In Re: Petition of Leslie Willis to Perpetuate from Dolores Willis Evidence (Trust Documents) Pertaining to The Trust for Annie Pearl (White) Willis' (Opinion Pending).
13. Allegheny County, Court of Common Pleas, Orphans' Court Division, Docket # 02-11-00397 (Decree of Distribution, April 25, 2017).
14. Superior Court of Pennsylvania, Dkt No. 869 WDA 2014 (7-16-2014; and Dkt Nos. 880, 773, 794, 793, 792, consolidated (6-25-2014); Dkt 1139 (8-11-2014), 774 (7-11-2014).
15. Supreme Court of Pennsylvania, Dkt No. 351 WAL 2014 (11-18-2014), 371 WAL 2014 (11-18-2014); Petitions for Writ in Mandamus, 41 WM 2018 (8-20-2018), 62 WM 2018 (6-27-2018).

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CA3 Docket # 22-2048

Appendix E - Decision of United States Court of Appeals

Appendix F - Decision of The United States District Court

Appendix G - United States Court of Appeals Order Denying Petition

for rehearing

Appendix H – Lower court thwarting or tending to thwart Federal Appellate Jurisdiction (i.e. thwarting or tending thwart Petitioner's Article III, Sec. 2, cl 1, federal question (28 U.S.C.A. § 1331), Section 1983 (42 U.S.C.A. § 1983) Action)

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<i>Liljeberg v. Health Servs. Acquisition Corp.</i> , 486 U.S. 847, 864,	
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⁷ Citations are ‘generally’ and/or ‘distinguished,’ unless otherwise noted.

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⁸ 28 U.S. Code § 1915 (d) - The officers of the court shall issue and serve all process, and perform all duties in such cases.

⁹ 28 U.S.C.A. § 2201(a) - In a case of actual controversy within its jurisdiction, ... any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

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STATE STATUTES

42 Pa. C.S. § 7533 - Construction of documents¹⁰

RULES

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¹⁰ 42 Pa. C.S. § 7533 - Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise, and obtain a declaration of rights, status, or other legal relations thereunder.

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OPINIONS BELOW

Petitioner, respectfully, prays that a writ of certiorari issue to review the judgment below.

1. *In re Willis*, No. 22-1133, 2023 WL 2300655 (3d Cir. Mar. 1, 2023), and **Rehearing** Judgment Orders ECF No. 152 and ECF No. 157-1, Opinion, ECF No. 157-2; Mandate, ECF No. 157-3.
2. *In re Willis*, No. 22-2048, 2023 WL 2808458 (3d Cir. Apr. 6, 2023), and **Rehearing** Judgment Orders ECF No. 72 and ECF No. 85-1; Opinion, 85-2; Mandate, ECF No. 85-3.
3. *Willis v. PCN Fin. Servs. Grp., Inc.*, No. 2:20-CV-01833-DSC-LPL, 2021 WL 6054563 (W.D. Pa. Oct. 27, 2021), report and recommendation adopted sub nom. *In re Willis*, No. 2:20-CV-1833, 2021 WL 6051558 (W.D. Pa. Dec. 21, 2021), aff'd, No. 22-1133, 2023 WL 2300655 (3d Cir. Mar. 1, 2023)
4. *In re Willis*, No. 2:20-CV-1833, 2022 WL 1063895 (W.D. Pa. Mar. 7, 2022), aff'd, No. 22-1133, 2023 WL 2300655 (3d Cir. Mar. 1, 2023), David Stewart Cercone, United States District Judge, IN RE: Petition of Leslie WILLIS to Perpetuate Evidence Pertaining to

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“the Trust for Annie Pearl (White) Willis,” 2:20-cv-1833, ECF No.

171, Filed 3/07/2022, Lisa Pupo-Lenihan, Magistrate Judge,

Denying Motion for (own) Disqualification (See: ECF No. 189,

District Judge affirming)

5. Willis v. O'Toole, 804 F. App'x 116 (3d Cir. 2020) (Willis v. O'Toole, No. 2:18-CV-00290-DSC, 2019 WL 1585099 (W.D. Pa. Mar. 8, 2019), report and recommendation adopted, No. 2:18-CV-00290, 2019 WL 1585138 (W.D. Pa. Apr. 12, 2019), aff'd, 804 F. App'x 116 (3d Cir. 2020))
6. In Re: Petition of Leslie Willis, 3rd Cir., Dec. 27, 2023, From In re Willis, No. 2:20-CV-1833, 2023 WL 7704700 (W.D. Pa. Nov. 15, 2023) (CA3 Docket # 23-3212; Also, CA3 Docket 24-1730, CA3 Docket # 24-1731, pending).
7. Willis v. PNC Fin. Servs. Grp., Inc., No. 2:20-CV-01833-DSC-LPL, 2021 WL 8342837 (W.D. Pa. Apr. 16, 2021), Lisa Pupo Lenihan, United States Magistrate Judge (Docket # 20-1833, ECF Nos. 76, 79, 86, and District Judge entered a Memorandum Order (ECF No. 87) Denying Motion for U.S. Marshal Service of Process of the Rule 27(a) Petition upon Dolores Willis).

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OTHER ORDERS FOR REVIEW

Petitioner, respectfully, prays that a writ of certiorari issue to review the other judgments below.

CA3 Docket No. 22-1133, ECF No. 125 – Order Denying Motion for Judicial Disqualification of Panel Judge(s) (Motion, ECF No. 123)

CA3 Docket No. 22-1133, ECF No. 167 – Order Denying Motion for Stay of Mandate, denying access to Docket.

CA3 Docket No. 22-2048, ECF No. 100 – Order Denying Motion for Stay of Mandate, denying access to Docket.

CA3 Docket No. 22-2048, ECF No. 54-2 – Order Denying Motion for Extension of time, until May 31, 2023, to file Petition for Rehearing Denied as “unnecessary.”¹¹

¹¹ Apparently Thwarting Petitioner’s ‘Second Petition for Panel and En Banc Rehearing’ document (Docket # 22-2048, ECF No. 63).

STATEMENT OF JURISDICTION

The Supreme Court has jurisdiction to hear the Petitions for Certiorari pursuant to **28 U.S. Code § 1254(1)**,¹² in accordance with **Sup. Ct. R. 10(a)**.

Additionally, Petitioner invokes **U.S. Sup. Ct. R. 12(4)** – “When two or more judgments are sought to be reviewed on a writ of certiorari to the same court and involve identical or closely related questions, a single petition for a writ of certiorari covering all the judgments suffices...”

The Supreme Court’s power to issue a Writ of Mandamus may overlap its authority to grant a Writ of Certiorari when the Court is acting in a **supervisory capacity** (Moore’s Federal Practice §510.24(1)(b), p. 510-23) (*Hollingsworth v. Perry*, 558 U.S. 183, 190–91, 130 S. Ct. 705,

¹² **28 U.S. Code § 1254(1)** - Courts of appeals; certiorari - “Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.”

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710, 175 L. Ed. 2d 657 (2010)). The Supreme Court has Supervisory

Jurisdiction over Courts of Appeals. (U.S. Sup. Ct. R. 10 (a)).

The United States Court of Appeals issued an Opinion in the Appeals at CA3 Dkt No. 22-1133, 22-1644, 22-1900, consolidated on Mar. 1, 2023. On Aug. 21, 2024, a timely Rehearing Petition was denied.

The United States Court of Appeals issued an Opinion in the Appeals at CA3 Dkt No. 22-2048 and 22-2049, consolidated on Apr. 6, 2023. On Oct. 4, 2023, a timely Rehearing Petition was denied.

An extension of time to file a re-submitted petition for a writ of certiorari was granted to and including March 27, 2024.¹³

¹³ “On November 29, 2023, Justice Sotomayor granted the application for extension of time to and including January 18, 2024 in application number 23A456, and on November 27, 2023, Justice Alito granted the application for extension of time to and including March 2, 2024 in application number 23A457.”

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CONSTITUTIONAL PROVISIONS

U.S. Const. art. III, § 2, cl. 1 – “The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States;-- between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.”

U.S.C.A. Const. Amend. Xiv, § 1- Due Process Clause – “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United State” (*“nor shall any State deprive any person of ... property, without due process of law”*).

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U.S.C.A. Const. Amend. Xiv, §1- Equal Protection Clause of the Fourteenth Amendment (Section 1) of the United States Constitution.

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United State” (“*nor shall any State deprive any person of... property, without due process of law*”).

U.S.C.A. Const. Amend. I - First Amendment of the U. S. Constitution, (**Petition Clause**) “Congress shall make no law * * * abridging * * * the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

STATUTORY PROVISIONS

28 U.S. Code § 144 - Bias or prejudice of judge - Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge (a) Any justice, judge, or magistrate judge of the United States

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shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. (b) He shall also disqualify himself in the following circumstances: (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

28 U.S.C. § 1331 (Federal Question) The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 U.S.C. §1343(a)(3) - Civil rights, which give the federal district courts jurisdiction over 42 U.S. Code § 1983 Court Actions.

42 U.S. Code § 1983 – Civil Action for Deprivation of Rights. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial

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capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

28 U.S.C. § 1367 – Supplemental Jurisdiction (a) Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.

STATEMENT OF THE CASE

The Honorable President Joseph R. Biden, Jr. (“President Biden”) nominated the Honorable Judge Arianna Julia Freeman, on January 19, 2022, as a Judge for the Court. *During the same year*, on June 15, 2022, President Biden signed an Executive Order¹⁴ *in support of LGBTQ rights*. In close proximity, *during the same year*, on *October 20, 2022*, the Hon. Judge Freeman was commission to the United States Court of Appeals for the Third Circuit (It is Petitioner’s understanding that the Hon. Judge Freeman is homosexual). The Hon. Judge Freeman’s commission to the Court of Appeals for the Third Circuit, on *October 20, 2022* was also in close proximity with President Biden signing into law the “Respect for Marriage Act”¹⁵ (H.R. 8404), *during the same year*, on December 13, 2022, *in support of LGBTQ rights*. *In*

¹⁴ June 15, 2022 – ‘Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals.’

<https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/15/executive-order-on-advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals/>

¹⁵ Respect for Marriage Act

<https://www.congress.gov/117/plaws/publ228/PLAW-117publ228.pdf> (H.R.8404) <https://www.congress.gov/bill/117th-congress/house-bill/8404?q=%7B%22search%22%3A%5B%22h%22%5D%7D&s=1&r=7>

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sequence, the Hon. Judge Freeman was assigned, on January 30, 2023, to preside¹⁶ on the Panel, and for a February 21, 2023 conference on the Appeals for Petitioner's Court Actions at CA3 Docket # 22-1133, 22-1644, and Docket # 22-1900, consolidated (*In re Willis*, No. 22-1133, 2023 WL 2300655 (3d Cir. Mar. 1, 2023); **Rehearing Judgment Order**, ECF No. 152, and Opinion, ECF No. 157-2; Mandate ECF No. 157-3) (“Docket # 22-1133”), the Opinion of which is the basis for the Judgment Order in the Appeals at Docket # 22-2048 and 22-2049, consolidated (Docket # 22-2048, ECF No. 44, Opinion, p.3 *In re Willis*, No. 22-2048, 2023 WL 2808458 (3d Cir. Apr. 6, 2023); **Rehearing Judgment Order** ECF No. 85-1; Opinion, ECF No. 85-2; Mandate ECF No. 85-3) (“Docket # 22-2048”). The Hon. Judge Freeman also presided on the Panel which denied a Motion for the Hon. Judge Freeman's Disqualification in the Appeals (“Third Amended Motion for Disqualification of Judge Pursuant to 28 U.S.C. § 455 (a) (and Objection),’ Docket # 22-1133, **ECF No. 123**; CA3 Docket # 22-1133, Order, **ECF No. 125** – Denying the Motion for

¹⁶ The Hon. Judge Patty Schwartz was, simultaneously, seated on the Panel in the Appeals at Docket # 22-1133. The Hon. Judge Schwartz was nominated, on January 4, 2013, by former President, Barack Obama, a Democrat while in office, and, arguably, a stalwart in support of LGBTQ rights.

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Judicial Disqualification, *without Opinion*). Also, the Honorable Panel Judges, Shwartz, Bibas, and *Freeman*, Circuit Judges, affirmed the Honorable District Judge David S. Cercone's Memorandum Order, denying Appellant's Motion for the Magistrate Judge, Lisa Pupo-Lenihan's Disqualification (CA3 Docket No. 22-1133, ECF No. 126, p. 4, *In re Willis*, No. 22-1133, 2023 WL 2300655 (3d Cir. Mar. 1, 2023); Rehearing Judgment Order, ECF No. 152; Opinion, ECF No. 157-2; Mandate ECF No. 157-3, affirming District Judge Memorandum Order, Dkt # 20-1833, ECF No. 189, Denying 'Emergency Motion for District Judge Review of Petitioner's December 2, 2021 Motion for Magistrate Judge Disqualification (ECF No. 162); and to Extend Time,' ECF No. 175).¹⁷ The Honorable Magistrate Judge, Lisa Pupo-Lenihan, has stated, on the Record, that "The Court is involved, and has been involved, with a number of organizations, both within and outside of the Bar Association, that support the rights of the LGBTQ community" (Memorandum Order on Plaintiff's Motion Judicial Disqualification,

¹⁷ The District Court, initially, thwarted or tended to thwart a response to the 'Emergency Motion for District Judge Review of Petitioner's December 2, 2021, Motion for Magistrate Judge Disqualification (ECF No. 162); and to Extend Time,' (ECF No. 175) and, subsequently, entered the Memorandum Order at ECF No. 189, denying the Motion.

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Distr. Ct Dkt # 20-1833, ECF No. 171, p. 3, ¶2; to Magistrate Judge

Memorandum Order (ECF No. 171) Denying 'Motion for Magistrate Judge Lisa Pupo-Lenihan pursuant to 28 U.S.C. §455(a) and §455(b)(1)'

(ECF No. 162), Distr. Ct Dkt # 20-1833, Objections, ECF No. 179;

'Appendix, Background: 2018 Section 1983 Action – Extrajudicial

Proceedings,' ECF No. 179-2). The Magistrate Judge, apparently, held

a position with at least one of the Allegheny County Bar Association's

social-political advocacy groups in support of the LBGTQ community

and LBGTQ rights (Distr Ct. Docket # 20-1833, ECF No. 175-4, 175-5,

175-6; Motion, ECF No. 175). Subsequently, the Honorable District

Judge, David S. Cercone, denied a Motion for his recusal¹⁸ (Distr Ct.

Docket # 22-0588, 'Motion for the Hon. District Judge David S. Cercone

Recusal,' ECF No. 3; Memorandum Order, Denying, ECF No. 4 and 5)).

This Honorable Court has federal Appellate Jurisdiction to hear this Petition for Certiorari. Appellant brought an Art. III, Sec. 2, cl 1, federal question (28 U.S.C.A. § 1331), Section 1983 (42 U.S. Code §

¹⁸ Appellees, PNC Bank and the PNC Financial Services Group, Inc. did not file a response to any Motion for Disqualification, except on Appeal at CA3 Docket # 22-1133 (ECF No. 103-1, p. 32-36).

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1983) ¹⁹ original Action, in the United States District Court for the Western District of Pennsylvania, regarding an **ongoing** violation of Appellant's First Amendment (Petition Clause) right to Petition the government for redress of grievance, and Fourteenth Amendment substantive and procedural due process Constitutional rights to a real estate property interest (located in Allegheny County Pennsylvania '267 William Street' (Lot-Blk-Parcel ID # 4-H-229; [and 4-H-230]) ("real estate") and for a deprivation of equal protection of the laws (Equal Protection Clause).²⁰ Appellant's Article III, Section 2, Clause 1, federal

¹⁹ Appendix - Federal Subject Matter Jurisdiction – Citations to the Record.

20 APPENDIX – Constitutional Claims in Article III, Sec. 2, cl 1, federal question (28 U.S.C.A. § 1331), Section 1983 (42 U.S.C.A. § 1983) Action: District Court Docket 18-290, '(Amended) Amended/Second Amended Complaint' ("Second Amended Complaint"), ECF No. 125, p. 2 ¶ 6-8, p. 3 ¶4; p. 4 ¶7, p. 5 ¶10, p. 6, ¶14, p. 8 ¶17 last sentence, p. 9, and in entirety; District Court Docket # 18-290, "Third Amended Complaint," ECF No. 194, p. 14, 18, 21, 25; Requests for Relief, p. 25(E), p. 25(D), p. 26(F) and (I) an in entirety; Amended Requests for Relief, ECF No. 199, p. 3(F) and in entirety. (Distr. Ct Dkt # 18-290, 'Amended Addendum (Statement of the Case) In Support of Petitioner's Second Amended Motion for Reconsideration, ECF No. 221, p. 3, 7, 9, 10, 12, et al; Amended Addendum (Real Estate) In Support of Petitioner's (Second Amended) Motion for Reconsideration, ECF No. 218, p. 3 fn 6, p. 4; Exhibits, ECF No. 219 et seq; See Also: CA3 Docket 22-1133, Amended Petition for Panel and En Banc Rehearing, 'Jurisdictional Statement,' ECF No. 140, p. 11-12; 6-24; CA3 Docket 22-2048, 'Second Amended Petition for Panel and En Banc Rehearing,' Jurisdictional Statement,'

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question (28 U.S.C. §1331(a)), Section 1983 (42 U.S.C. § 1983) Action is

the basis for federal subject matter jurisdiction in Appellant's federal Court Actions, including the 'Petition for Declaration of Rights' to the 'Trust for Annie Pearl (White) Willis' (regarding Trust documents), and the 'Petition for Declaration of Rights' to the real estate (located in Allegheny County, Pennsylvania, at 267 William Street, Pittsburgh, Pa. 15203 (Lot-Blk-Parcel Id # 4-H-229 [and 4-H-230]))²¹ ("Petitions for Declaration of Rights"), which Appellant intends to bring in federal Court, pursuant to 28 U.S.C. §2201 and 28 U.S.C.S § 1367(a), supplemental to Appellant's Article III, Section 2, clause 1, federal question (28 U.S.C. §1331(a)), Section 1983 (42 U.S.C. § 1983) Action.

Appellant is an heir, legacy, beneficiary, devisee under the Will of the Estate of Annie Pearl (White) Willis (Appendix – Declaration as

ECF No. 63, p. 13-14; 7-27); **Amended Objections** to Magistrate Judge Report and Recommendation, ECF No. 206, p. 16, 19, 71-81; CA3 Docket # 19-2094, (Amended) Response to Motion for Summary Action of Affirmance (**Recently went missing from Appellant's online files due to computer hacking activity**) Document No. 003113311910 (08/05/2019) (**citations to this document unavailable due to hacking activity**).

²¹ **Appendix – 'Supplemental Jurisdiction for 'Petitions for Declaration of Rights.'**

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Heir ²²) and has a clear and indisputable right to a determination of rights to the Trust for Annie Pearl (White) Willis' ("Trust"). The Trust documents (i.e. Safe Deposit Box, including Trust Instrument and Beneficiary Designation) of the Trust was undisclosed to Petitioner prior to the February 3, 2014 sale of real estate from the Estate.

STANDARD OF REVIEW

This Court will consider a Petition for a Writ of Certiorari where there is (1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari; (2) a fair prospect that a majority of the Court will vote to reverse the judgment below; and (3) a likelihood that irreparable harm will result ...” Hollingsworth v. Perry, 558 U.S. 183, 190, 130 S. Ct. 705, 709–10, 175 L. Ed. 2d 657 (2010).²³

²² Notary copy of the 'Declaration as Heir' will follow.

²³ Petitioner asks the Honorable Court to act in a supervisory capacity in granting Certiorari to decide the Questions Presented.

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ARGUMENT

The Honorable Judge, Arianna Julia Freeman, erred at law pursuant to 28 U.S.C.A. § 455 Disqualification, in refusing to disqualify from Petitioner's Appeals at CA3 Docket # 22-1133, 22-1644, and Docket # 22-1900, consolidated (*In re Willis*, No. 22-1133, 2023 WL 2300655 (3d Cir. Mar. 1, 2023); **Rehearing** Judgment Order, ECF No. 152, and Opinion, ECF No. 157-2; Mandate ECF No. 157-3) ("Docket # 22-1133") Section § 455(a) requires a judge to disqualify [...] in any proceeding in which [...] impartiality might reasonably be questioned ("A violation of § 455(a)—which requires a judge to disqualify [herself] in any proceeding in which [her] impartiality might reasonably be questioned—is established when a reasonable person, knowing the relevant facts, would expect that a judge knew of circumstances creating an appearance of partiality, notwithstanding a finding that the judge was not actually conscious of those circumstances." (generally) *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 848, 108 S. Ct. 2194, 2196, 100 L. Ed. 2d) The Hon. Judge Freeman also presided on the Panel which denied a Motion for the Hon. Judge Freeman's Disqualification. However, no one is allowed to be a Judge in their own

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interest (“[n]o man is allowed to be a judge in his own cause; because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity.” (generally) *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876, 129 S. Ct. 2252, 2259, 173 L. Ed. 2d 1208 (2009)) The Honorable Judge, Arianna Julia Freeman’s presiding in the Appeals is a violation of Petitioner’s substantial rights to a fair tribunal (*Due process guarantees “an absence of actual bias” on the part of a judge* (generally) *Williams v. Pennsylvania*, 579 U.S. 1, 8, 136 S. Ct. 1899, 1905, 195 L. Ed. 2d 132 (2016)) The public has an interest in a fair tribunal (“*The very purpose of § 455(a) is to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible.*” *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 865, 108 S. Ct. 2194, 2205, 100 L. Ed. 2d 855 (1988)). This risk outweighs any prejudice to Appellees, PNC Financial Services Group, Inc., (“PNC”) in a Rule 27(a) proceeding and, particularly, where PNC did not file a Response to any Motion for disqualification or recusal until in the first instance, in the District Court proceedings.²⁴ Also, the

²⁴ PNC filed a response, on Appeal, at CA3 Dkt # 22-1133, at or about ECF No. 103-1).

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Honorable Magistrate Judge, Lisa Pupo-Lenihan engaged in a pervasive²⁵ and antagonistic bias and prejudice against Appellant and Appellant's Court Actions, apparently in support of an extrajudicial social-political advocacy in support of the LBGTQ community and LBGTQ rights. The Magistrate Judge sought to distort Petitioner's gender on the public record.²⁶ The Honorable District Judge, David S. Cercone, participated in and Sanctioned the Magistrate Judge, Lisa Pupo-Lenihan's conduct. (*In addressing the mere appearance of partiality, section 455 addresses not only fairness to the litigants but also the public's confidence in the judiciary, which may be irreparably harmed if a case is allowed to proceed before a judge who appears to be tainted*). In re Sch. Asbestos Litig., 977 F.2d 764, 776 (3d Cir. 1992), as amended (Oct. 8, 1992)) The Hon. Panel Judge and the Hon. District Court Judges erred at law (pursuant to 28 U.S.C.A. § 144 Bias or prejudice of judge and 28 U.S.C.A. § 455 Disqualification²⁷ of justice, judge, or magistrate judge) violation of Petitioner's substantial rights to

²⁵ See Also: Appeals pending at CA3 Dkt # 23-3213, Dkt # 24-1730, and Dkt # 24-1731.

²⁶ Ms. Willis is a Female, Woman, She. Ms. Willis was born female, always has been female, and always will be Female, Woman, She.

²⁷ See: Appendix – Disqualification Citations to the Record.

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a fair tribunal, in refusing to recuse or disqualify from Appellant's

Court Actions.

(Incorporating, in entirety, CA3 Docket # 22-1133, 'Third Amended Motion For Disqualification of Judge Pursuant To 28 U.S.C. § 455 (a) and Objection,' ECF No. 123; CA3 Panel Order, ECF No. 125, Denying; Amended Petition for Panel and En Banc Rehearing, ECF No. 140, p. 34, p. 41, p. 33-54; CA3 Dkt # 22-2048, 'Brief (with Objections) in Support of Appeal from District Judge Memorandum Order), et al,' ECF No. 27, p. 36-58; Second Amended Petition for Panel and En Banc Rehearing, ECF No. 63 p. 36, 61, p. 35-71) (See Also: CA3 Docket # 22-1133, Appellant Brief, ECF No. 79, p. 38, p. 36-39, p. 46, 65, p. 45-73, Appellant Reply Brief, ECF No. 109, p. 40-43) See also: Distr. Ct. Docket # 20-1833, 'Motion for Disqualification of Magistrate Judge Lisa Pupo-Lenihan Pursuant To 28 U.S.C. §455(a) and §455(b)(1),' ECF No. 162; 'Emergency Motion for District Judge Review of Petitioner's December 2, 2021 Motion for Magistrate Judge Disqualification (ECF No. 162); and to Extend Time,' ECF No. 175; Objections to Magistrate Judge Memorandum Order (ECF No. 171) Denying Motion for Magistrate Judge Disqualification (ECF No. 162), Distr. Ct Dkt # 20-

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1833, ECF No. 179, *Background: 2018 Section 1983 Action –*

Extrajudicial Proceedings, ECF No. 179-2).

There is a reasonable probability that at least four Hon. Justices will vote to consider the issues sufficiently meritorious to grant certiorari, due to the Honorable **President Joseph R. Biden's** apparent intervention in the affairs of a private citizen's Court Actions. Also, Petitioner claims a substantive and procedural due process violation of Constitutional rights to a real estate property interest.²⁸ Additionally, Ms. Willis is Christian. There appears to be religious overtones involved as well.

In *Liljeberg*, the Supreme Court states that, “*We conclude that in determining whether a judgment should be vacated for a violation of § 455(a), it is appropriate to consider the risk of injustice to the parties in the particular case, the risk that the denial of relief will produce injustice in other cases, and the risk of undermining the public's confidence in the judicial process. We must continuously bear in mind that “to perform its high function in the best way justice must satisfy*

²⁸ Additionally, a federal agency's (**FEMA**) is involved in the City of Pittsburgh's purchase of the subject matter real estate.

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the appearance of justice.” Liljeberg v. Health Servs. Acquisition Corp.,

486 U.S. 847, 864, 108 S. Ct. 2194, 2205, 100 L. Ed. 2d 855 (1988) (“*The*

very purpose of § 455(a) is to promote confidence in the judiciary by

avoiding even the appearance of impropriety whenever possible.”

(emphasis added). Liljeberg v. Health Servs. Acquisition Corp., 486 U.S.

847, 865, 108 S. Ct. 2194, 2205, 100 L. Ed. 2d 855 (1988)) (“... “*The goal*

of section 455(a) is to avoid even the appearance of partiality”

(generally) Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847,

859–60, 108 S. Ct. 2194, 2202, 100 L. Ed. 2d 855 (1988).

The Supreme Court Has **Supervisory Jurisdiction** over Courts of Appeals. Pursuant to Sup.Ct. R. 10(a), a Petition for a Writ of Certiorari will be granted only for compelling reasons, such as when a United States Court of Appeals has “so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power.” (**U.S. Sup. Ct. R. 10 (a)**). “This Court also has a significant interest in supervising the administration of the judicial system...” Hollingsworth v. Perry, 558 U.S. 183, 196, 130 S. Ct. 705, 713, 175 L. Ed. 2d 657 (2010). The Supreme Court's power to issue a **Writ of**

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Mandamus may overlap its authority to grant a Writ of Certiorari when the Court is acting in a supervisory capacity (Moore's Federal Practice §510.24(1)(b), p. 510-23) (*Hollingsworth v. Perry*, 558 U.S. 183, 190–91, 130 S. Ct. 705, 710, 175 L. Ed. 2d 657 (2010)) Here, there are substantial questions as to whether the Court of Appeals for the Third Circuit ("CA3") departed from the accepted and usual course of judicial proceedings when a Panel Judge(s) refused to disqualify from the Appeals; and when federal District Judges, harboring a pervasive bias and prejudice refused to disqualify from the Court proceeding(s), and/or sanctioned judicial misconduct in affirming a refusal to disqualify. In its supervisory capacity, "The Supreme Court can determine issues of judicial administration that seriously affect the fairness, integrity, or reputation of public judicial proceedings; and Whether a federal appellate court was legally constituted, where the question was raised whether a judge was qualified to sit on the appellate court." (citation not immediately available) "The Court's interest in ensuring compliance with ... judicial administration is particularly acute when ... relate to the integrity of judicial processes." *Hollingsworth v. Perry*, 558 U.S. 183, 196, 130 S. Ct. 705, 713, 175 L. Ed. 2d 657 (2010). Thus, there is a

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reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari.

As the District Court for the Western District of Pennsylvania has stated, “The Court is involved, and has been involved, with a number of organizations, both within and outside of the Bar Association, that support the rights of the LGBTQ community.” Also, the President Biden will appoint more judges to the Court. Therefore, *federal due process rights of the public are at risk, and are likely to recur.*

This Court may also consider, *as a matter of supervisory jurisdiction*, an issue where the Second Circuit provides a Rule 27 cause of action to perpetuate testimony (e.g. documents) that are **concealed** (“*Yamaha Motor is required to make an objective showing that without a Rule 27 hearing, known testimony would otherwise be lost, concealed, or destroyed*’ In re Petition of Yamaha Motor Corporation, U.S.A., 251 F.R.D. 97, 99 (N.D.N.Y. 2008)); and where the Third Circuit provides a Rule 27 cause of action only to perpetuate documents that are *lost, stolen, or destroyed* (Ash v. Cort, 512 F.2d 909, 911 (3d Cir.1975)), but does not adjudicate the **precise question** as to whether (Trust) documents are *concealed*. (generally, Evaporated Milk Ass'n v. Roche,

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130 F.2d 843 (9th Cir. 1942)). A litigant is without a Rule 27(a) cause of action, within the third circuit and the Western District of Pennsylvania, to perpetuate evidence (i.e. Trust Documents) that is *concealed*.

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CONCLUSION

The (Re-Submitted) Petition for Certiorari should be considered.

Respectfully,

Signature: /s/ Leslie Willis
Petitioner, Pro Se

Date

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