

FEB 21 2024

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IN THE SUPREME COURT OF THE UNITED STATES

JOHN SEELY,
Plaintiff-Appellant

vs.

JAMES SEELY, PHILLIP
HOUK, GREGORY
PACHMAYR, IN RE: THE
ESTATE OF RICHARD E.
SEELY ET AL,
Defendants-Appellees.

Appeal From The United States Court Of Appeals For The 7th Circuit
Case No: 22-2651

Trial Court: United States District Court
For the Northern District of Indiana, Fort Wayne Division
Case No. 1:22-CV-103-HAB The Honorable Judge Holly Brady

PLAINTIFF-APPELLANT'S MOTION TO STAY THE MANDATE

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SUPREME COURT, U.S.

Pursuant to Fed. R. Civ. P. 41 (d)(1), plaintiff-appellant, John Seely, pro se, respectfully moves this Court to Stay The Mandate of the 7th Circuit court pending the filing and disposition of his petition for writ of certiorari in the Supreme Court of the United States.

This motion is supported by the following facts and law.

On February 15, 2024 the 7th Circuit Court denied appellant's Petition For Rehearing To Include Oral Argument By Attorney. The aforesaid denial followed the affirmance by this Court of the district court's dismissal of plaintiff-appellant's Complaint... in the district court. Unless stayed, the Mandate is due to issue February 22, 2024.

For reasons set forth in detail in plaintiff-appellant's opening and reply briefs and in his petition for rehearing to include oral argument by attorney the questions raised by this case are substantial ones and as consequence a certiorari petition cannot be reasonably be described as frivolous or for purposes of delay.

Saliently, plaintiff-appellant's claims of an *extrinsic fraud* exception to the Rooker-Feldman doctrine are potentially of *overarching* legal merit and as a consequence not frivolous. "The [Rooker-Feldman doctrine] does [**4] not bar a federal suit that seeks damages [*730] for a fraud that resulted in a judgment adverse to the plaintiff. Such a suit does not seek to disturb the judgment of the state court, but to obtain

damages for the unlawful conduct that misled the court into issuing the judgment. “*Iqbal v. Patel*, 780 F.3d 728 (7th Cir. 2015). “...Rooker-Feldman does not apply where plaintiffs seek damages for injuries caused not by state court corruption but by the fraudulent conduct of state court opponents.” *Hadzi-Tanovic*, 62 F.4 394 (7th Cir. 2023).

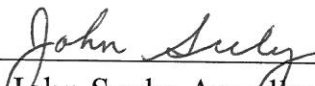
The petition for certiorari is due 150 days after the 7th Circuit court denial of appellant’s Petition For Rehearing... The petition for certiorari will be filed within that time or, if an extension becomes necessary and is sought and obtained from the Supreme Court, then it will be filed on or before the due date specified in the order granting the extension of time from the Supreme Court. Plaintiff-Appellant further requests that, upon the timely filing of a petition for writ of certiorari, the stay of issuance of the mandate remain in effect until final disposition of the petition by this Court, as provided by Federal Rule of Appellate Procedure 41(d)(2)(B). For the aforesaid reasons, plaintiff-appellant requests that this Court stay the issuance of the mandate by the 7th Circuit court pending the final disposition of this matter by this Court.

Importantly, as a consequence of the aforesaid, the aforesaid judgement of the 7th Circuit court issued February 15, 2024 denies your appellant's due process and equal rights as guaranteed by the Fourteenth Amendment to the Constitution of the United

States.

WHEREFORE Your Appellant, John Seely, pro se, respectfully moves this Court to grant the aforesaid Motion To Stay The Mandate; hold a hearing in aforesaid Motion to include oral argument by an experienced attorney-at-law; together with proper due process; for all relief proper in the premises.

APPELLANT FOREVER PRAYS,



John Seely, Appellant pro se