

Case No. 24-1666

IN THE
SUPREME COURT OF UNITED STATES

IN RE: Mawule Tepe,

Petitioner,

On Petition for a Writ of Mandamus, to the United
States Courts of Appeals for the Sixth Circuit, the
United States District Court for the Eastern District
of Tennessee at Chattanooga.

PETITION FOR WRIT OF MANDAMUS

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QUESTIONS PRESENTED

Under the due process clause of the Fifth Amendment, it is well established that: (i) a Judge who lacks an Oath of Office cannot preside over a case; (ii) a Judge cannot be a Judge at his own trial or when he has a conflict of interest in the outcome of the case; (iii) an attorney cannot practice laws at U.S. District Court unless he/she is admitted to the federal bar of that federal court; and (iv) Corporations and LLCs cannot represent themselves. In this case, despite the undeniable evidence that the presiding judge and attorneys do not have an oath of office, the United States District Court for the Eastern District of Tennessee (or EDTN), the Sixth Circuit Court of Appeals (or SCCA) refuse to disqualify them. Besides this, these latest court unlawfully let professional corporations represent themselves as pro se on disputed facts of issues. As the Petitioner Mawule Tepe (or Tepe) challenged the jurisdiction of EDTN, the SCCA failed to rule on the Petition. According to the Supreme Court, when the challenge is raised in timely manner, it will have an effect of unravelling the cases' proceeding. An impartial district court is necessary to ensure due process.

Is the case proceeding valid and consistent with the due process when the United States District Court for the Eastern District of Tennessee (or EDTN), the Sixth Circuit Court of Appeals (or SCCA) refuse to recuse Honorable U.S. District Judge Clifton L Corker when this latest failed to

disclose his Foreign Registration and Anti-Bribery Statement with Affidavit in Support, Surety Bonds, and Oath of Office?

Is the case proceeding valid and consistent with the due process when the United States District Court for the Eastern District of Tennessee (or EDTN), the Sixth Circuit Court of Appeals (or SCCA) refuse to recuse Honorable U.S. District Judge Clifton L. Corker and Honorable U.S. Magistrate Judge Christopher H. Steger when they are judges at their own trial and failed to recuse themselves despite the fact that not only they have case(s) pending against them but also they have a conflict of interest in the outcome of the lawsuit(s)?

Is the case proceeding valid and consistent with the due process when the United States District Court for the Eastern District of Tennessee (or EDTN), the Sixth Circuit Court of Appeals (or SCCA) refuse to disqualify attorneys Lucille Latimore Lattimore Nelson, William Stewart Rutchow, (and their law firm Ogletree Deakins Nash Smoak & Stewart P.C.), Emily Louise Nenni and her law firm Javitch Block LLC, Frankie Neil Spero and his law firm Bradley Arant Boult Cummings LLP, Derek Wayne Mullins, and Justin Michael Sveadas and their law firm Baker Donelson Bearman Caldwell & Berkowitz P.C. when they failed to disclose their respective oath of office and certificate of admission to the federal bar of EDTN?

Are cases' proceeding valid and consistent with the due process when the Petitioner is denied

access to the court at EDTN as well as the right to confront or to challenge Defendants/Respondents in violation of the Petitioner' Sixth Amendment's Rights?

PARTIES TO THE PROCEEDING

1. Petitioner Mawule Tepe

The Petitioner Mawule Tepe ("Tepe") is a Self-Represented Litigant Pro Se and being a former Whirlpool Corporation, a Former Bank of America Credit Card holder, and Truist Financial Corporation Debit Card Holder.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6, Tepe states that he is not a corporation.

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A copy of Petition for Writ for Prohibition Filed by
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TABLE OF AUTHORITIES

CASES

Haines v. Kerner, 404 US at 520 (1980); *Birl v. Estelle*, 660 F.2d 592 (1981).

Haines v. Keaner, et al. 404 U.S. 519, 92 s. Ct. 594, 30 L. Ed. 2d 652.

Estelle, Corrections Director, et al. v. Gamble 29 U.S. 97, 97 S. Ct. 285, 50 L. Ed. 2d 251.

United States v. Lee, 106 US 196, 220 [1882].

(*Boyd v. United States*, 116 U.S. 616, 635).

Goss v. State of Illinois. 312 F. 2d 257 - Court of Appeals. 7th Circuit 1963.

Illinois vs. Allen Court: U.S. Date published: Mar 31, 1970, 397 U.S. 337 (1970), 90 S. Ct. 1057.

: *Ryland vs. Shapiro*, 708 F.2D 967, (5th Circuit, 1985).

Cheney v. United States Dist. Court, 542 U.S. 367, 380 (2004).

Roche v. Evaporated Milk Ass'n, 319 U.S. 21, 26 (1943)

Coffin U. United States, 156 U.S. 432 (1895).

"*In re Murchison*, 349 U.S. 133, 136 (955)

Aetna Life Ins. Co. v. Lavoie, 475 U.S. 813, 821-22 (1986)

Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980);

Withrow v. Larkin, 421 U.S. 35, 46-47 (1975);

Ward v. VIII. of Monroeville, 409 U.S. 57, 61-62 (1972);

Tumey v. Ohio, 273 U.S. 510, 523 (1927);

Martin H. Redish & Lawrence C. Marshall

Osborn v. Bank of United States, 22 U.S. 738 (1824);

Nixon,

Ellison and Co. v. S. W. Insurance Co.," 47 Ill. 444 (1868).

Statutes

28 U.S. Code § 1651(a)

United States Supreme Court Rules

Rule 20.1

U.S. Const. Amend. V

U.S. Const. Amend. VI

JURISDICTION AND RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

The All Writs Act, 28 U.S. Code § 1651(a), provides: "The Supreme Court and all courts established by the act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

Pursuant to Supreme Court Rule 20, Supreme Court's inherent power, 28 U.S. Code § 1651, Petitioner, Mawule Tepe, respectfully files this petition to compel EDTN and SCCA: (i) to recuse Honorable U.S. District Judge Clifton L Corker and Honorable U.S. Magistrate Judge Christopher H Steger, (2) the disqualification of Ogletree Deakins Nash Smoak & Stewart P.C., Javitch Block LLC, Bradley Arrant Boulton Cummings LLP and Baker Donelson Bearman Caldwell & Berkowitz P.C. as counsels; and (iii) the vacatur of cases' proceeding including any orders and/or Judgements and sanctions and restriction issued by EDTN as void and null.

JUDICIAL NOTICE TO THE COURT

Petitioner Mawule Tepe asks the Court to take judicial notice of the fact that he is without counsel, is not schooled in the law and legal procedures, and is not licensed to practice law. Therefore his

pleadings must be read and construed liberally. See *Haines v. Kerner*, 404 US at 520 (1980); *Birl v. Estelle*, 660 F.2d 592 (1981).

In a recent cases, the U.S. Supreme Court has issued a ruling and granted a consideration of Pro Se Litigant filing who has filed 150 pages handwritten documents. In the ruling, the court said:

“ ... We now consider whether respondent's complaint states a cognizable 1983 claim. The 150 pages handwritten document is to be liberally construed. As the Court unanimously held a pro se complaint, "however in-artfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Id.*, at 520 521...”

Citing *Haines v. Kerner*, et al. 404 U.S. 519,92 s. Ct. 594,30 L. Ed. 2d 652. See also *Estelle, Corrections Director, et al. v. Gamble* 29 U.S. 97, 97 S. Ct. 285, 50 L. Ed. 2d 251.

Furthermore, Petitioner Mawule Tepe believes that this court has a responsibility and duty to protect his constitutional and statutory rights. See *United States v. Lee*, 106 US 196,220 [1882]. Before taking

office, Federal Judges always take oath to support and to defend the U.S. Constitution, and to carry out the duty of court lawfully and properly, and to respect the constitutional rights of U.S. citizen. "It is the duty of the courts to be watchful for the Constitutional rights of the citizen and against any stealthy encroachments thereon." (*Boyd v. United States*, 116 U.S.616, 635). Federal Judges have the responsibility to respect and protect persons from violations of federal constitutional rights "See. *Goss v. State of Illinois*. 312 F. 2d 257 - Court of Appeals. 7th Circuit 1963. Seeing that Petitioner's fundamental Rights are violated, the Supreme Court has duty, right and authority to protect and to restore Petitioner in his constitutional rights.

**RELEVANT LEGAL PROVISIONS
CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED**

I. The Due Process Clause of the U.S. Const.

Amend. V: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.. "

II. The U.S. Const. amend. VI: The Sixth Amendment to the U.S. Constitution guarantees the right to obtain evidences, to confront and to challenge the opposing parties, and to equal access to the court.

RULE 20.1 STATEMENT

There is an exceptional circumstance that mandates the issuance of the writ sought as Petitioner Tepe in this specific matter. As detail below, Tepe as Petitioner Pro Se has been deprived of his due process rights and denied access to the court by EDTN, and SCCA since despite the undeniable evidence that Honorable U.S. District Judge Clifton L Corker failed

to disclose his Foreign Registration and Anti-Bribery Statement with Affidavit in Support, Surety Bonds, and Oath of Office, these latest court failed to recuse him. Since he lacks an Oath of Office he should not be allowed to sign any court documents. Besides this he has two (2) cases pending against him but he refused to recuse himself and EDTN, and SCCA failed to disqualify him. Moreover, despite the fact that Honorable U.S. Magistrate Judge Christopher H Steger has a case pending against him, he failed to recuse himself and EDTN, and SCCA failed to disqualify him.

Besides this, none of the respective counsels are admitted to practice law at the EDTN and they cannot provide their oath of office along with their respective certificate of admission. They should not have been allow to file any motion at the first place. However, EDTN and SCCA keep letting them to litigate the cases.

Petitioner Tepe has filed a Petition for Writ of Prohibition to disqualify them, but the SCCA failed to act on it. See In re *Mawule Tepe*, case no: 24-5101. The failure of SCCA to act is not only an avoidance to uphold the U.S. Constitution and a failure to accomplish a ministerial duty owed to Appellant Tepe, but also an unconstitutional action of conspiracy against Pro Se Appellant Tepe.

The action of SCCA and EDTN is fundamentally wrong since it deprived Petitioner Tepe of a procedural due process right, a substantial due process rights under the 5th Amendment as well

as access to the court in violation of the 6th Amendment.

On a more macro level, the SCCA's decision is further evidence of the highly politicized nature of many courts today. This is, of course, highly improper, as it runs counter to the sole function of the court system, which is to provide a non-biased and fair resolution to everyone, regardless of political affiliation and ideological belief, based solely on the facts at issue and the relevant law. The result of this politicization is that those who are Self-Represented Litigants as Pro Se in civil cases filed in Federal Courts, they are being frequently discriminated against, that is "left out in the cold" by today's frequently dysfunctional legal system and of which more and more Self Represented Litigants as Pro Se are flagrantly discriminated with separate and discriminatory actions and having as finality only to deprive the due process of the Petitioner as Pro Se before the SCCA.

The action of EDTN and SCCA are retaliatory because Tepe has filed a lawsuit against them before the United States District Court for the Western District of North Carolina. See case *Mawule Tepe v. Clifton L Corker et al.*, case no. 3:23-cv-00423-RJC-DCK. Since their action is retaliatory, the option left for Petitioner Tepe is a mandamus action to compel the disqualification of Honorable U.S. District Judge Clifton L Corker, Honorable U.S. Magistrate Judge Christopher H Steger, and the respective counsels of the Defendants.

It is more than a year that the current presiding judge Hon Clifton L Corker failed to recuse himself, and it is more than four month that Tepe filed a Petition for Writ of Prohibition before the SCCA, and this latest court failed to schedule a hearing and to rule on the petition despite the fact none of the Defendants/Respondents failed to oppose the dire petition. A copy of the Petition is attached in the Appendix.

STATEMENT OF PERTINENT FACTS,

PROCEDURAL BACKGROUND

Petitioner's complaints arise out of Eastern District of Tennessee (EDTN) court lawsuits filed over four years stemming from his former employment with Whirlpool Corporation, debt collection efforts by Bank of America, data breach issues with Truist Financial Corporation and the litigation of those matters.

Petitioner filed the following various complaints at the EDTN starting from May 2019: *Tepe v. Whirlpool Customer Experience Center, et al*, Case No. 1:19-cv-158; *Tepe v. Whirlpool Corp. et al.*, Case No. 1:20-cv-332; *Tepe v. Whirlpool Corp.*, Case No. 1:22-cv-136; *Tepe v. Nelson, et al.*, Case No. 1:22-cv-252; *Tepe v. Javitch Block LLC and Bank of America*, Case No. 1:21-cv-40; *Tepe v. Javitch Block, LLC*, Case No. 1:22-cv-111; *Tepe v. Bank of America*, Case No. 1:22-cv-231; *Tepe v. Bank of America, N.A.*, Case No. 1:22-cv-261; *Tepe v. Nenni*,

et al., Case No. 1:22-cv-264; *Tepe v. United States et al.*, Case No. 1:22-cv-275; *Tepe v. Truist Financial Corp.*, Case No. 1:23-cv-00093; *Tepe v. Whirlpool Corporation*; Case No. Case No. 1:23-cv-00144; *Tepe v. Whirlpool Corporation et al.*; Case No. 1:23-cv-00161.

Every case is different. For example, the first category is related to Petitioner's employment at Whirlpool Corporation's issues. For the instance, the case No. 1:19-cv-158 is about to Petitioner's employment related issued with his former employer Whirlpool Corporation. Petitioner filed the case No. 1:19-cv-158 to hold Whirlpool Corporation liable for discrimination, retaliation, defamation, FLSA violation and so on. The case No. 1:20-cv-332 is mainly about Workers Compensation Retaliation and Discrimination based on National Origin. The Case No. 1:22-cv-136 is about Petitioner's Health Saving Account balance's confiscation by Whirlpool Corporation and unlawful wage report to IRS. Petitioner filed the Case No. 1:22-cv-252 to hold the counsel of Whirlpool Corporation liable for its interference with his employment contract termination at Whirlpool. The case No. 1:23-cv-00144 is about wrongful termination claims. The Case No. 1:23-cv-00161 is about Workers Compensation claims.

To Defendant itself in these latest complaints, Whirlpool Corporation retained Ogletree Deakins Nash Smoak & Stewart P.C. as a counsel that assigned its in house attorneys Lucille Lattimore

Nelson, and William Stewart Rutchow to represent and to defendant Whirlpool Corporation. However, these latest attorneys are not admitted to practice law at EDTN.

The second category of cases is about the breach of contract related to "Bank of America Credit" Debt settlement issues with the Debt Collector Javitch Block LLC and Bank of America. See cases Case No. 1:21-cv-40; Case No. 1:22-cv-111; Case No. 1:22-cv-231; and Case No. 1:22-cv-261. To defend itself, Bank of America retained Bradley Arrant Boulton Cummings LLP as a counsel that assigned its in house attorney Franike Neil Spero to these latest cases. In the others hands, Javitch Block LLC assigned its in house attorney Emily Louise Nenni to represent it. However, these latest attorneys are not admitted to practice law at EDTN.

The last category of case is about Petitioner's Truist Bank Account data breach related issues. See case No. 1:23-cv-00093. To defend itself, Truist Financial Corporation retained Baker Donelson Bearman Caldwell & Berkowitz P.C. as a counsel that assigned its in house attorneys Derek Wayne Mullins, and Justin Michael Sveadas to this latest case. However, these latest attorneys are not admitted to practice law at EDTN.

During the course of litigations, Petitioner noticed multiple unlawful and illegal irregularities including jurisdictional issues, and he filed a separate complaint as a collateral attack on the following cases: *Tepe v. Whirlpool Customer Experience*

Center, et al, Case No. 1:19-cv-158; *Tepe v. Whirlpool Corp. et al.*, Case No. 1:20-cv-332; *Tepe v. Whirlpool Corp.*, Case No. 1:22-cv-136; *Tepe v. Nelson, et al.*, Case No. 1:22-cv-252; *Tepe v. Javitch Block LLC and Bank of America*, Case No. 1:21-cv-40; *Tepe v. Javitch Block, LLC*, Case No. 1:22-cv-111; *Tepe v. Bank of America*, Case No. 1:22-cv-231; *Tepe v. Bank of America, N.A.*, Case No. 1:22-cv-261; *Tepe v. Nenni, et al.*, Case No. 1:22-cv-264. (See case *Tepe v. United States et al*, case no. 1:22-cv-275).

One of the main challenges raised by the Petitioner is the qualification of attorneys Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, and Frankie Neil Spero to practice law at the EDTN. In fact, to practice law at the EDTN, these latest attorneys must be admitted to the federal bar of EDTN according to the Local Rule 83.5.

On December 12, 2022 Petitioner filed a motion to challenge the qualification of attorneys Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, and Frankie Neil Spero to practice laws at EDTN and/or to disqualify them for unlawful practice of laws at EDTN (See case 1:22-cv-00275, ECF 49.) Petitioner requested these latest attorneys to disclose their respective oath of office along with the certificate of admission to the federal bar of EDTN. However, they failed to produce the requested documents.

Until now, attorneys Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, and

Frankie Neil Spero are unable to prove on the record that they are admitted to practice law at the EDTN.

On February 14, 2022, Honorable Chief District Judge Travis R McDonough denied Petitioner's motion to prohibit these latest counsels without explanation. (See case *Tepe v. United States*, case no. 1:22-cv-00275, ECF 71.) The Order stated the following:

Before the Court are Petitioner Mawule Tepe's motions to prohibit attorneys Lucille Lattimore Nelson, William Stewart Ruchow, Emily Louise Nenni, and Frankie Neil Spero from representing themselves or their clients in the hearing set for February 15, 2023. Petitioner's motions are DENIED.

SO ORDERED.

On March 23, 2023, Petitioner filed a separate lawsuit and claims against attorneys Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, and Frankie Neil Spero for unlawful practice of law. See Case *Tepe v. Nenni et al*, Case No. 1:22-cv-264. Once more again, no adequate and proper response was provided by these latest attorneys until now.

Apart from this, on April 24, 2023, Petitioner filed a motion to Challenge the Qualification of Attorneys Derek Wayne Mullins and Justin Michael Sveadas, and/or to disqualify them along with their entire Law Firm for Unlawful Practice of Law at EDTN pursuant to the Local Rule 83.5. (See case

Mawule Tepe v. Truist Financial Corporation, case no: 1:23-cv-00093, ECF 12.). Petitioner also subpoenaed them to produce their oath of office along with their certificate of admission to the federal bar of EDTN.

On May 1, 2023, the honorable U.S. District Judge Clifton L Corker denied Petitioner's motion and obstructed justice. As result, until now, Attorneys Derek Wayne Mullins and Justin Michael Sveadas failed to prove their admission to federal bar of EDTN.

On April 28, 2023, Petitioner filed a motion to strike the Respondent Truist Financial filings seeing that Mr. Mullins and Mr. Sveadas are practicing law unlawfully at EDTN, and seeing that they failed to produce the proof of admission to the federal bar (See Case 1:23-cv-00093, ECF 17.).

Besides this, on May 4, 2023, Petitioner filed a motion to compel Mr. Mullins and Mr. Sveadas, and their law firm Baker Donelson as well as EDTN to produce the record of admission of Mr. Mullins and Mr. Sveadas to the federal bar. (See Case 1:23-cv-00093, ECF 23.)

However, on May 9, 2023, honorable Judge Clifton L. Corker denied Petitioner's motion to strike and motion to compel, and threatened Petitioner of sanctions. (See Case 1:23-cv-00093, ECF 27, 28.)

On May 15, 2023, due to multiple unlawful actions of honorable Judge Clifton L. Corker, and Mr. Mullins and Mr. Sveadas, Petitioner filed an

Amended Complaint as matter of right pursuant to F.R.C.P. Rule 15(a)(1)(B), and he added the honorable Judge Clifton L. Corker, the EDTN, (Jane Doe3), the Department of Justice, attorneys Derek Wayne Mullins, Justin Michael Sveadas, and their law firm Baker Donelson Bearman Caldwell & Berkowitz P.C. as a Defendants to the case *Mawule Tepe v. Truist Financial Corporation*, case no: 1:23-cv-00093.

Honorable Judge Clifton L. Corker was upset for being added as a Defendant to the case *Tepe v. truist Financial Corp.*, case no. 1:23-cv-00093, and he struck the Petitioner's First Amended Complaint from the docket in spite of his loss of jurisdiction over the case (See case 1:23-cv-00093, ECF 32 & 35.).

He also terminated the claim against the EDTN, (Jane Doe3), the Department of Justice, attorneys Derek Wayne Mullins, Justin Michael Sveadas, and their law firm Baker Donelson Bearman Caldwell & Berkowitz P.C. In addition, he implemented sanctions and restrictions against the Petitioner despite his loss of jurisdiction (limiting Petitioner access to the court). Until now, Petitioner is unlawfully prevented from filing motions and complaint at EDTN in violation of his Sixth Amendment right.

According to the U.S. Supreme court, the Petitioner' Sixth Amendment right to attend his own trial was so "absolute" that, regardless of how unruly his conduct, he could never be held to have lost that right so long as he insisted on it. Citing: *Illinois vs.*

Allen Court: U.S. Date published: Mar 31, 1970, 397 U.S. 337 (1970), 90 S. Ct. 1057. The right of access to the Courts is basic to our system of government, and it is well established today that it is one of the fundamental rights protected by the constitution. Citing: *Ryland vs. Shapiro*, 708 F.2D 967, (5th Circuit, 1985). And the Petitioner never waives his rights under the Sixth Amendment. The filing of this petition shows that petitioner never give up on his 6th amendment rights. He has also filed a separate appeals to claims his rights that SCCA denied for retaliatory purpose since Tepe sued SCCA & EDTN before the U.S. District Court of North Carolina at Charlotte. See USCA cases: 23-6085, 23-6086, 23-6088, 23-6089, 23-6090, 23-6091, 23-6092, 23-6093, 23-6094, 23-6095, 23-6096, 23-6097, 23-6098. These latest appeals will be a subject of writ of certiorari in the coming days or weeks.

On May 24, 2023 Petitioner filed a Petition for Writ of Quo Warranto, Writ of Prohibition, Writ of Error, and Writ of Mandamus to challenge the subject matter jurisdiction of honorable Judge Clifton L. Corker. See USCA Case *In re Mawule Tepe*, case No. 23-5481. However, the SCCA denied this latest petition despite the fact that Honorable U.S. District Judge Clifton L Corker does not have an Oath of Office.

Since Petitioner is denied access to the court at EDTN and the SCCA is not willing to reverse the decision, as Tepe felt being deprived of his 6th Amendment rights to access the court, on July 14,

2023, he filed a separate complaint as a collateral attack at the U.S. District Court for Western District of North Carolina. See case *Tepe v. Clifton L Corker*, Case No. 3:23-cv-00423.

In this latest lawsuit, Petitioner listed 42 Defendants including Honorable U.S. District Judge Clifton L Corker, Honorable U.S. Magistrate Judge Christopher H Steger, Lucille Lattimore Nelson, William Stewart Rutchow and their law firm Ogletree Deakins Nash Smoak & Stewart P.C., Emily Louise Nenni with her law firm Javitch Block LLC, Frankie Neil Spero with his law firm Bradley Arrant Boulton Cummings LLP, Derek Wayne Mullins, and Justin Michael Sveadas with their law firm Baker Donelson Bearman Caldwell & Berkowitz P.C.. See case *Tepe v. Clifton L Corker et al.*, Case No. 3:23-cv-00423.

As presented above, despite the fact that Honorable U.S. Magistrate Judge Christopher H Steger has a case pending against him, he also refused to recuse himself. See *Mawule Tepe v. Clifton L Corker et al.*, Case No. 3:23-cv-00423.

As presented above, it appears Honorable U.S. District Judge Clifton L Corker has two (2) cases pending against him. See cases: *Tepe v. Truist Financial Corp.*; case no. 1:23-cv-00093 (that he terminated himself from despite his loss of jurisdiction, and *Tepe v. Clifton L Corker et al.*, Case No. 3:23-cv-00423 which is currently pending before the U.S. District Court of the Western District of North Carolina.

Despite the fact that Honorable U.S. District Judge Clifton L Corker has two (2) cases pending against him, he refused to recuse himself, and he is still presiding over Petitioner's cases at the EDTN, and he is still issuing orders and judgments. For the instance, he illegally dismissed two (2) cases¹, and stayed three (3) cases², and prevented Petitioner from litigating³ the rest of the cases for retaliatory purposes.

As presented above, until now, despite the fact that none of attorneys Lucille Latimore Lattimore Nelson, William Stewart Rutchow, (and their law firm Ogletree Deakins Nash Smoak & Stewart P.C.), Emily Louise Nenni and her law firm Javitch Block LLC, Frankie Neil Spero and his law firm Bradley Arrant Boulton Cummings LLP, Derek Wayne Mullins, and Justin Michael Sveadas and their law firm Baker Donelson Bearman Caldwell & Berkowitz P.C. are unable to prove on the record that they are admitted to practice law at the EDTN, the SCCA refused to disqualify them.

On February 1, 2024, Petitioner filed for the second time, a Petition for Writ of Prohibition demanding the disqualification of attorneys Lucille Latimore Lattimore Nelson, William Stewart Rutchow, (and their law firm Ogletree Deakins Nash Smoak & Stewart P.C.), Emily Louise Nenni and her law firm Javitch Block LLC, Frankie Neil Spero and his law firm Bradley Arrant Boulton Cummings LLP, Derek Wayne Mullins, and Justin Michael Sveadas and their law firm Baker Donelson Bearman

Caldwell & Berkowitz P.C., and, Honorable U.S. District Judge Clifton L Corker, and Honorable U.S. Magistrate Judge Christopher H Steger. However, the SCCA failed to disqualify them and refused to hold a hearing despite the fact that none of them have an Oath of Office, and they do have a conflict of Interest in the outcome of the respective cases they are involved in. None of them should not be allow to file or to issue any document.

 1 See cases *Tepe v. United States*, case no. 1:22-cv-00275, and *Tepe v. Nenni*, case no. 1:22-cv-00264.

2 See cases *Tepe v. Whirlpool Customer Experience Center, et al*, Case No. 1:19-cv-158; *Tepe v. Bank of America*, Case No. 1:22-cv-231; *Tepe v. Truist Financial Corp.*, Case No. 1:23-cv-00093;

3 See cases *Tepe v. Whirlpool Corporation*; Case No. Case No. 1:23-cv-00144; *Tepe v. Whirlpool Corporation et al*; Case No. 1:23-cv-00161.

STANDARD OF REVIEW

The Supreme Court has the power to "issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law." See 28 U.S. Code § 1651(a). To obtain a writ of mandamus, the applicant must demonstrate that he has "no other adequate means to attain the relief he desires." See: *Cheney v. United States Dist. Court*, 542 U.S. 367, 380 (2004).

The applicant must then demonstrate that the applicant's right to the writ is "clear and indisputable." Finally, the applicant must demonstrate that the writ is otherwise appropriate under the circumstances. A writ is appropriate in matters where the applicant can demonstrate a "judicial usurpation of power" or a clear abuse of discretion. See also *Roche v. Evaporated Milk Ass'n*, 319 U.S. 21, 26 (1943) ("The traditional use of the writ in aid of appellate jurisdiction both at common law and in the federal courts has been to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.").

REASONS FOR GRANTING THE WRIT

I. This Case Involves Tepe's Constitutional Due Process Rights

This case flies in the face of one of the basic tenets of the American legal system - that persons are entitled to a due process. This is well settled by the

Supreme Court as early as 1895. See: *Coffin U. United States*, 156 U.S. 432 (1895). This fundamental right is engrained in the Due Process Clause of the Fifth Amendment, which state that no person shall be deprived of life, liberty, or property without due process of the law.

For retaliatory purpose, the SCCA fails to schedule a hearing and to rule on Tepe's Petition for writ of Prohibition to disqualify attorneys Lucille Latimore Lattimore Nelson, William Stewart Rutchow, (and their law firm Ogletree Deakins Nash Smoak & Stewart P.C.), Emily Louise Nenni and her law firm Javitch Block LLC, Frankie Neil Spero and his law firm Bradley Arrant Boulton Cummings LLP, Derek Wayne Mullins, and Justin Michael Sveadas and their law firm Baker Donelson Bearman Caldwell & Berkowitz P.C., and, Honorable U.S. District Judge Clifton L Corker as the attorneys failed to disclose their respective oath of office and certificate of admission pursuant to the Local Rule 83.5 and as Honorable U.S. District Judge Clifton L Corker did not submit an Oath of Office as required by Tennessee Laws, 5 U.S. Code § 3331, and U.S. Constitution Article III, Section 1. As a result, the entire case proceeding including any orders and/or judgments as well the injunction or sanctions or restrictions that the EDTN implemented against Tepe are null and void because this latest elected official and attorneys lacked the authority of their office, and thus the subject matter jurisdiction of the court was never properly invoked since the procurement of subject matter jurisdiction is inconstant with the due

process and infringed upon Tepe's 5th & 6th Amendment rights.

Tepe has timely raised the lack of oath issues during the pendency of his cases when he filed a Petition for writ of quo warranto, mandamus, prohibition and error on May 24, 2023. See *In re Mawule Tepe*, case no: 23-5481. However, the SCCA failed to disqualify these latest attorneys and elected officials.

In addition, Tepe has raised for the second time the same issue by filing a writ of prohibition on February 1, 2024 (see the case *In re Mawule Tepe*, case no. 24-5101), and the SCCA failed to rule on it. This latest action prompted Tepe to file this Petition for writ of mandamus to compel the disqualification of attorneys Lucille Latimore Lattimore Nelson, William Stewart Rutchow, (and their law firm Ogletree Deakins Nash Smoak & Stewart P.C.), Emily Louise Nenni and her law firm Javitch Block LLC, Frankie Neil Spero and his law firm Bradley Arrant Boulton Cummings LLP, Derek Wayne Mullins, and Justin Michael Sveadas and their law firm Baker Donelson Bearman Caldwell & Berkowitz P.C., and, Honorable U.S. District Judge Clifton L Corker as they did not submit an Oath of Office as required by Tennessee Laws, 5 U.S. Code § 3331, and U.S. Constitution Article III, Section 1, and the vacatur of any filing made by these latest persons and/or entities.

It is over a year now that, despite the fact that these latest Judge and attorneys cannot prove their

respective qualification none of EDTN and SCCA does not want to disqualify them.

In addition, Tepe has asked Honorable U.S. District Judge Clifton L Corker to disclose his Foreign Registration and Anti-Bribery Statement with Affidavit in Support in order to determine his financial and non-financial ties with Whirlpool Corporation, Bank of America, and Truist Financial Corporation, Ogletree Deakins Nash Smoak & Stewart P.C., Javitch Block LLC, Bradley Arrant Boulton Cummings LLP, and Baker Donelson Bearman Caldwell & Berkowitz P.C.. However, he failed to disclose the requested documents in violation of Canon 3C(1)(c) and Federal Rules of Civil Procedure Rule 7.1. -Disclosure Statement.-

Moreover, according to the U.S. Supreme Court, "No man can be a judge at his own trial". "A fair trial in a fair tribunal is a basic requirement of due process as -- No Person can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome."⁴--. An impartial district court is necessary to ensure due process⁵. As the Supreme Court itself has noted, "even if there is no showing of actual bias in the tribunal, due process is denied by circumstances that create the likelihood or the appearance of bias."⁶

As presented above, Honorable U.S. District Judge Clifton L Corker has two (2) cases pending against him. (see cases: *Tepe v. Truist Financial Corp.*; case no. 1:23-cv-00093, and *Tepe v. Clifton L Corker et al.*, Case No. 3:23-cv-00423), and despite

the fact that he has two (2) cases pending against him, he refused to recuse himself, and he is still presiding over Petitioner's cases at the EDTN, and he is still issuing orders and judgments. His refusal to recuse himself is not consistent with the due process and his impartiality is questionable since he has a conflict of interest in the outcome of the cases. Thus, he must be forbidden to try himself due to lack of jurisdiction.

4 *In re Murchison*, 349 U.S. 133, 136 (955).

5 *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 821-22 (1986) (indicating that an impartial tribunal is required for due process); see also *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980); *Withrow v. Larkin*, 421 U.S. 35, 46-47 (1975); *Ward v. Viii. of Monroeville*, 409 U.S. 57, 61-62 (1972); *Tumey v. Ohio*, 273 U.S. 510, 523 (927); Martin H. Redish & Lawrence C. Marshall, *Adjudicatory Independence and the Values of Procedural Due Process*, 95 YALE L.J. 455, 476 (1986).

6 *Peters v. Kiff*, 407 U.S. 493, 502 (972); see also *Mayberry v. Pennsylvania*, 400 U.S. 455, 469 (1971) (Harlan, J., concurring) ("[T]he appearance of evenhanded justice... is at the core of due process."); *Offut v. United States*, 348 U.S. ii, 14 (1954) ("[J]ustice must satisfy the appearance of justice.").

As presented, the action of Honorable U.S. District Judge Clifton L Corker is in contradiction with the U.S. Supreme court ruling in "*In re Murchison*, 349 U.S. 133, 136 (955). Thus, he must be disqualified, and be prevented from exercising jurisdiction over Petitioner's cases.

Likewise, as presented above, despite the fact that Honorable U.S. Magistrate Judge Christopher H Steger has a case pending against him, he also refused to recuse himself. See *Tepe v. Clifton L Corker et al.*, Case No. 3:23-

cv-00423. His action is in contraction with the U.S. Supreme court ruling in "*In re Murchison*, 349 U.S. 133, 136 (955). Thus, he must be disqualified, and be prevented from exercising jurisdiction over Petitioner's cases at the EDTN since he has a conflict of interest in the outcome of the cases and as he cannot be his own judge at his own trial.

Furthermore, as presented above, despite the fact that none of attorneys Lucille Latimore Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, Frankie Neil Spero, Derek Wayne Mullins, and Justin Michael Sveadas are unable to prove on the record that they are admitted to practice law at the EDTN, the SCCA and EDTN refused to disqualify them pursuant to the Local Rule LR83.5.

Besides this, Tenn. Sup. Court Rule 3.7(a) and 5.5(a) prohibit lawyers not only from advocating at a trial in which they are likely to be witnesses, but also

from practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction, and Lawyers.

As presented, attorneys Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, Frankie Neil Spero are directly involved in the cases *Tepe v. United States, et al*, case no. 1:22-cv-00275, and the case *Tepe v. Nenni et al*, case no. 1:22-cv-00264 as a party, and similarly, Derek Wayne Mullins, and Justin Michael Sveadas are involved in the case *Tepe v. Truist Financial Corporation*, case no. 1:23-cv-00093.

In these latest cases, attorneys Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, Frankie Neil Spero, Derek Wayne Mullins, and Justin Michael Sveadas are acting as advocates-witnesses-Defendants on their own behalf, and on behalf of their respective clients, and on behalf of their respective law firm (Ogletree Deakins Nash Smoak & Stewart P.C., Javitch Block LLC, Bradley Arrant Boulton Cummings LLP and Baker Donelson Bearman Caldwell & Berkowitz P.C.).

Petitioner has already attempted to disqualify them at least twice, but the EDTN and the SCCA unlawfully refused to disqualify them.

Rule 3.7 prohibits a lawyer from simultaneously serving in these dual roles because “[c]ombining the role of advocate and witness can prejudice the tribunal and the opposing party and can also involve a conflict of interest between the lawyer

and client. The court of appeal of the has previously applied Rule 3.7 in the context of fee collection cases. See, e.g., *Robinson & Lawing, L.L.P.*, 161 N.C. App. at 341, 587 S.E.2d at 925 (holding that trial court properly disqualified defense counsel based on her status as necessary witness in action to recover legal fees).

It is true that litigants are permitted under Tennessee law to appear *pro se* — regardless of whether the litigant is an attorney or a layperson. (“A party may appear either in person or by attorney in actions or proceedings in which he is interested.”); According to TN Code § 23-3-103 and Tenn. Comp. R. & Regs. 0620-04-02-.08 (“[I]t shall be unlawful for any person or association of persons, except active members of the Bar . . . to practice as attorneys-at-law, to appear as attorney or counselor at law in any action or proceeding before any judicial body . . . *except in his own behalf as a party thereto[.]*” (emphasis added)).

As presented, Petitioner’s cases at the EDTN involve the challenge to the ability of attorneys Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, Frankie Neil Spero, Derek Wayne Mullins, and Justin Michael Sveadas to represent themselves on a *pro se* basis. As presented, they are representing their respective law firm — professional corporations — in a suit against Petitioner Mawule Tepe while simultaneously serving as a witness on their firm’s behalf as to disputed issues of fact, and they also playing a

tripartite role of Defendants-advocate-witnesses. It is well established that such representation is improper, unlawful and inconsistent with the Professional Ethics Rules 3.7 and 5.5. Citing *Osborn v. Bank of United States*, 22 U.S. 738 (1824); *Nixon, Ellison and Co. v. S. W. Insurance Co.*," 47 Ill. 444 (1868). Thus they must be disqualified and any of their respective filing must be stricken from the dockets.

ANALYSIS

Ministerial Duty

A ministerial act is defined as one that is both required and nondiscretionary (Barron's Legal Dictionary, 5th Edition, Page 357):

"an act performed according to explicit directions (often embodied in a statute) by a subordinate official, allowing no judgment or discretion on the part of that official. See mandamus."

NATURE OF RELIEF BEING SOUGHT

On account of The SCCA's dereliction of duty, Petitioner respectfully asks this Honorable Court to issue a Writ of Mandamus to the EDTN and SCCA to have it do Its Job by disqualifying above mentioned attorneys, law firms, and Judges or elected officials, and to vacate the cases' proceedings⁷, and to remand the case back for further proceeding.

ARGUMENT

Petitioner argues that this Court should issue a Writ of Mandamus because The SCCA has failed to complete a mandatory act.

Supreme Court established the standard for reviewing such a writ in *Huffman v State*, 813 So. 2d 10. It stated the following:

“In order to be entitled to a writ of mandamus the petitioner must have a clear legal right to the requested relief, the respondent must have an indisputable legal duty to perform the requested action, and the petitioner must have no other adequate remedy available.”

7 *Tepe v. Whirlpool Customer Experience Center, et al*, Case No. 1:19-cv-158; *Tepe v. Whirlpool Corp. et al.*, Case No. 1:20-cv-332; *Tepe v. Whirlpool Corp.*, Case No. 1:22-cv-136; *Tepe v. Nelson, et al.*, Case No. 1:22-cv-252; *Tepe v. Javitch Block LLC and Bank of America*, Case No. 1:21-cv-40; *Tepe v. Javitch Block, LLC*, Case No. 1:22-cv-111; *Tepe v. Bank of America*, Case No. 1:22-cv-231; *Tepe v. Bank of America, N.A.*, Case No. 1:22-cv-261; *Tepe v. Nenni, et al.*, Case No. 1:22-cv-264; *Tepe v. United States et al*, Case No: 1:22-cv-275; *Tepe v. Truist Financial Corp.*, Case No. 1:23-cv-00093; *Tepe v. Whirlpool Corporation*; Case No. Case No. 1:23-cv-

00144; *Tepe v. Whirlpool Corporation et al*; Case No. 1:23-cv-00161.

In other words, a 3-part test for permitting a writ of mandamus must be performed (as outlined here):

- i) Petitioner must have a clear legal right to the requested relief;
- ii) The Agency must have an indisputable duty to perform the requested action; and
- iii) There must be an absence of any other adequate remedy.

This Petition satisfies all three items, as follows:

i) Clear Legal Right

Petitioner has a clear legal right to the requested relief.

a. Requested Relief: Tepe wants a a hearing and a ruling on his Petition for Writ of Prohibition (*in re Mawule Tepe*, case no: 24-5101) and the vacatur of above mensiooned cases' proceeding as void and null since attorneys and elected officials lack Oath of Office.

b. Controlling Law: 28 U.S. Code § 1651(a). Supreme Court Rule 20, Supreme Court's inherent power.

In *Allstate Ins. Co. v Kaklamanos*, 843 So. 2d 885, the Supreme Court held that a statute grants someone a clear legal right:

“... ‘clearly established law’ can derive from a variety of legal sources, including recent controlling case law, rules of court, statutes, and constitutional law.”

Thus, 28 U.S. Code § 1651(a) provided Petitioner with a clearly established right to a final order from The SCCA.

ii) Indisputable Duty to Perform

The SCCA has an indisputable duty to do Its Job.

This petition detailed as much in the statement of facts and the reason to issue the writ and the analysis section

As an added point, the ruling in *Migliore v City of Lauderhill*, 415 So. 2d 62, the court held that ministerial/indisputable duties are ripe for mandamus action:

“It has long been established that mandamus lies to compel the performance of a specific imperative ministerial duty.”

In the instant case, the “specific imperative ministerial duty” is to compel SCCA to do Its Job Regarding the Petitioner.

Thus, the law dictates that the SCCA has an ‘indisputable duty’ to hold a hearing, and rule on the Petition for writ of Prohibition by recusing or

disqualifying attorneys Lucille Latimore Lattimore Nelson, William Stewart Rutchow, (and their law firm Ogletree Deakins Nash Smoak & Stewart P.C.), Emily Louise Nenni and her law firm Javitch Block LLC, Frankie Neil Spero and his law firm Bradley Arrant Boulton Cummings LLP, Derek Wayne Mullins, and Justin Michael Sveadas and their law firm Baker Donelson Bearman Caldwell & Berkowitz P.C., and, Honorable U.S. District Judge Clifton L Corker and Honorable U.S. Magistrate Judge Christopher H Steger, and to reverse or to vacate the above mentioned cases' proceeding and to remand the cases back to EDTN for further proceeding, and to appoint a random Judge to preside over the cases.

iii) Proper Remedy

Although law places a ministerial duty on the SCCA to comply, it does not create an opening for a petitioner to compel that agency into action.

When contrasted with other statutes that do provide such an avenue "civil action is filed... to compel production of public records..."; and "action is filed to enforce the provisions of this chapter") it can be ascertained that no such pathway exists.

Thus, Petitioner cannot file suit or take any other action to compel the SCCA to complete its ministerial duty. His only remedy is this mandamus petition.

Exemplary Case

With all three prongs of the standard-for-review satisfied, Petitioner contends that this petition presents a textbook case for mandamus action.

Another case that can illustrate this is *Hatten v State*, 561 2d 562 (Fla. 1990). Similar to the instant case, the petitioner in *Hatten* requested mandamus relief due to a state agency's dereliction (emphasis added):

“[the state agency agrees] that Hatten's rights are being violated by the inability of the [agency] to prepare and timely file a brief in this case.”

Likewise, Petitioner's rights are also being violated by The Agency's failure to prepare and timely render a final order on The Inquiry.

CONCLUSION

WHEREFORE, Petitioner, Mawule Tepe, respectfully asks this Court to issue a Writ of Mandamus commanding the Sixth Circuit Court of Appeals to do Its Job Regarding Petitioner, to hold a hearing, and rule on the Petition for writ of Prohibition by recusing or disqualifying attorneys Lucille Latimore Lattimore Nelson, William Stewart Rutchow, (and their law firm Ogletree Deakins Nash Smoak & Stewart P.C.), Emily Louise Nenni and her law firm Javitch Block LLC, Frankie Neil Spero and his law firm Bradley Arrant Boulton Cummings LLP, Derek Wayne Mullins, and Justin Michael Sveadas

and their law firm Baker Donelson Bearman Caldwell & Berkowitz P.C., and, Honorable U.S. District Judge Clifton L Corker and Honorable U.S. Magistrate Judge Christopher H Steger, and to reverse or to vacate the above mentioned cases' proceeding and to remand the cases back to EDTN for further proceeding, and to appoint a random Judge to preside over the cases.

Dated: June 20, 2024

Respectfully submitted



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