

Case No.

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.

APPENDIX

Mawule Tepe
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RECEIVED
FEB 01 2024
KELLY L. STEPHEN

In re: Mawule Tepe Case No. 24-5101

IN THE UNITED STATES COURT
OF APPEALS FOR THE SIXTH CIRCUIT

MAWULE TEPE)
)
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 Plaintiff,) Case No. 1:23-cv-144
v.)
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)
 Whirlpool Corporation)
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)
 Defendants)

MAWULE TEPE)
)
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 Plaintiff,) Case No. 1:23-cv-161
v.)
)
)
 Whirlpool Corporation)
 et al.,)
)
 Defendants)

MAWULE TEPE)
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 Plaintiff,) Case No. 1:23-cv-93
v.)
)
 TRUIST FINANCIAL)
 CORPORATION)
)
 Defendants)
MAWULE TEPE)
)
)

Plaintiff,) Case No. 1:22-cv-275
v.)
)
United States et al)
Defendants)

MAWULE TEPE)
)
Plaintiff,) Case No. 1:22-cv-264
v.)
Travis R Mcdonough,)
et al.,)
Defendants)

MAWULE TEPE)
)
Plaintiff,) Case No. 1:19-cv-158
v.)
Whirlpool Customer)
Experience Center et al.,)
Defendants)

EMERGENCY PETITION FOR WRIT OF
PROHIBITION

1. Petitioner, Mawule Tepe, is the Plaintiff in the lower court –the U.S. District Court for the Eastern District of Tennessee (EDTN)-, and will be referred to in this petition as Petitioner, and Parti(es) such as Lucille Lattimore Nelson, William

Stewart Rutchow at the law firm Ogletree Deakins Nash Smoak & Stewart P.C., Emily Louise Nenni at the law firm Javitch Block LLC, Frankie Neil Spero at the law firm Bradley Arrant Boult Cummings LLP, Derek Wayne Mullins, and Justin Michael Sveadas at the law firm Baker Donelson Bearman Caldwell & Berkowitz P.C. are Respondent(s). The EDTN, and/or its Honorable U.S. District Judge Clifton L Corker as well as Honorable Magistrate Judge Christopher H Steger, issued orders and/or judgments that are the subject of this petition; and will be referred to as the Agency.

I. INTRODUCTION

2. Pursuant to F.R.A.P. Rule 21, Petitioner respectfully petitions this Court for a Writ of Prohibition directed to the respondents and the Agency, and shows the Court the following.

II. JURISDICTIONAL BASIS

3 The Court of Appeal for the Sixth Circuit has jurisdiction over this petition, and it has the authority to issue extraordinary writs pursuant to 28 U.S.C. §1651 and F.R.A.P. Rule 21.

4 Besides this, the Court of Appeal for the Sixth Circuit has jurisdiction to review EDTN's jurisdictional issues such as a trial judge's refusal to disqualify the counsel of Defendants and himself. See *Bundy v. Rudd*, 366 So. 2d 440, 442 (if a basis for

disqualification has been established "prohibition is both an appropriate and necessary remedy"); *Hill v. Feder*, 564 So. 2d 609, 609 (Fla. 3d DCA 1990) (same); see also F.R.A.P. Rule 21 ((granting writ where circuit court erroneously denied motion to recuse judge).).

III. STATEMENT OF PERTINENT FACTS AND PROCEDURAL HISTORY

5 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.

6 Every case is different. For example, the first category is related to Petitioner's employment at Whirlpool Corporation issues. For the instance, the

case No. 1:19-cv-158 is about to Petitioner 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.

7 To Defendant itself in these latest complaint, 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.

8 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 Boult 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.

9 The last category of case is Petitioner's Truist Bank Account data breach related issues. See case No. 1:23-cv-00093. To defend itself, Truist 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.

10 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 *Tepe v. United States et al*, case no. 1:22-cv-275).

11 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.

12 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 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.

13 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.

14 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.

15 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.

16 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 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.

17 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.

18 On April 28, 2023, Petitioner filed a motion to strike the Respondent Truist Financial filings seeing that Mr. Mullins and Mr. Sveadas are believed to be 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.).

19 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.)

20 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.)

21 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.

22 The 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.).

23 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.

24 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. See USCA cases: 23-6098, 23-6085, 23-6086, 23-6095 and so on.

25 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 No. 23-5481.

26 Since Petitioner 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.

27 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 Boult 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.

28 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.

29 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 at the U.S. District Court of the Western District of North Carolina.

30 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 for retaliatory purposes.

31 As presented above, until now, 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, Honorable U.S. District Judge Clifton L Corker and the lower court EDTN (the Agency) refused to disqualify them.

IV. LEGAL ARGUMENT

A. Standard of Review and General Law and Legal Standard

32 The First Circuit has stated that “[s]ince sections 144 and 455 of 28 U.S.C. use similar language, and are intended to govern the same area of conduct . . . the test of the legal sufficiency of a motion for disqualification is the same under both statutes.” *United States v. Kelley*, 712 F.2d 884, 889 (1st Cir. 1983). A judge may be disqualified if (a) his impartiality may reasonably be questioned; or, (b) he

has a personal bias or prejudice concerning a party. (Id.) To require disqualification, any alleged bias or prejudice must be both “(1) personal, i.e., directed against a party, and (2) extrajudicial.” *Id.* (citation omitted). See also *United States v. Raven*, 121 F. Supp. 2d 128, 131 (D. Mass. 2000). “Facts learned by a judge while acting in his judicial capacity cannot

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.

Serve as a basis for disqualification on account of personal bias.” *Id.*

33 To determine whether a judge should be disqualified for alleged partiality the test is whether the charge “is grounded on facts that would create a reasonable doubt concerning the judge’s impartiality, not in the mind of the judge himself or even necessarily in the mind of the litigant filing the

motion . . . but rather in the mind of the reasonable man." *Kelley*, 712 F.2d at 890 (citing *United States v. Cowden*, 545 F.2d 257, 265 (1st Cir. 1976)). See also *United States v. Voccolla*, 99 F.3d 37, 42 (1st Cir. 1996) (noting that "there must be a factual basis for the claim that there appears to be a lack of impartiality") (citations omitted).

34 According to EDTN Local Rule LR83.5, Attorneys who wish to file documents in the Eastern District of Tennessee must first be admitted through permanent regular admission to the Eastern District of Tennessee or granted pro hac vice status in a particular case. If "attorneys" are pursuing pro hac vice status, "attorneys" must file a motion to appear pro hac vice contemporaneously with "their" first pleading.

35 According to Tenn. Sup. Court Rule 5.5(a), a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

36 According to Tenn. Sup. Court Rule 3.7(a) states, in pertinent part, as follows:

(a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless:

(1) the testimony relates to
an uncontested issue;

(2) the testimony relates to
the nature and value

of legal services
rendered in the case; or

(3) disqualification of the
lawyer would work

substantial hardship on
the client.

V. ARGUMENTS

37 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

38 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 may be questioned since he has an interest at the outcome of the cases. Thus, he must be forbidden to try himself due to jurisdictional defect.

39 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 enjoined and ordered to recuse himself, and to stop exercising jurisdiction over

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.").

Petitioner's cases at the EDTN.

40 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 enjoined and ordered to recuse himself, and to stop exercising jurisdiction over Petitioner's cases at the EDTN since he cannot be his own judge at his own trial.

41 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, Honorable U.S. District Judge Clifton L Corker and the lower court EDTN (the Agency) refused to disqualify them pursuant to the Local Rule LR83.5.

42 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.

43 As presented, attorneys Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, Frankie Neil Spero are directly and/or indirectly 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.

44 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 Boult Cummings LLP and Baker Donelson Bearman Caldwell & Berkowitz P.C.).

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

46 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 Fourth Circuit 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).

47 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 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)).

48 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.

VI. RELIEF REQUEST AND CONCLUSION

49 WHEREFORE, Petitioner, Mawule Tepe, respectfully urges that the Court enter an order to show cause against Respondents **Honorable U.S. District Judge Clifton L Corker, and Honorable U.S. Magistrate Judge Christopher H Steger** and thereafter, enter a writ prohibiting Honorable U.S. District Judge Clifton L Corker, and Honorable U.S.

Magistrate Judge Christopher H Steger from hearing any further proceedings in Petitioner's cases, and randomly reassign Petitioner's motion to different qualified Judges.

50 Besides this, Petitioner, Mawule Tepe, respectfully urges that the Court enter an order issuing an order to show cause against Respondents **Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, Frankie Neil Spero, Derek Wayne Mullins, and Justin Michael Sveadas**, and thereafter, enter a writ prohibiting not only Javitch Block LLC, Baker Donelson Bearman Caldwell & Berkowitz P.C., Bradley Arant Boult Cummings LLP, and Ogletree Deakins Nash Smoak & Stewart P.C. from representing themselves as pro se, but also to enter a writ prohibiting attorneys Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, Frankie Neil Spero, Derek Wayne Mullins, and Justin Michael Sveadas from representing any person in Petitioner's cases (that they are respectively assigned to at EDTN) including themselves.

51 Attorneys Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, Frankie Neil Spero, Derek Wayne Mullins, and Justin Michael Sveadas must prove on the record with evidence that they are admitted to practice law at EDTN. Failure to do so must result in their immediate disqualification.

52 Petitioner also requests this honorable court to issue an order suspending/ending the unlawful sanctions and restricts implemented against the Petitioner. Please see a copy of the dire order of sanctions and restricts attached hereto as EXHIBIT 1.

53 In addition, Petitioner also requests this honorable court to issue an order the lifting the illegal stay from Petitioner's pending cases at the EDTN.

VII. IMPORTANT NOTICE TO THE COURT

54 The ground for the emergency request is that, it was at least sixth to seven months when Honorable U.S. District Judge Clifton L Corker, and Honorable U.S. Magistrate Judge Christopher H Steger are refusing to recuse themselves, and it was 7 months (since May 2023) when Honorable U.S. District Judge Clifton L Corker stayed Petitioner's cases, and Petitioner is illegally prohibited from litigating his cases. The oldest case on the docket is pending since May 2019 and the EDTN is unlawfully denying justice to the Petitioner. It is well settled that **Justice Delayed is Justice Denied**, and there is no adequate remedy at law to correct these issues later on appeal if remedial action is not immediately taken to expedite the Petition's procedure when constitutional rights are implicated.

54 Petitioner has a constitutional rights to act as soon as possible to protect his rights as he is deprive of his fundamental rights.

VIII. DECLARATION

55 Petitioner declares, under penalty of perjury, that the foregoing is true and correct.

CERTIFICATE OF SERVICE

Plaintiff, Mawule Tepe, hereby certify that a true and accurate copy of the foregoing **Petition for Writ of Prohibition** has been served upon the Counsels of Respondents: Lucille Lattimore Nelson, William Stewart Rutchow, Emily Louise Nenni, Frankie Neil Spero, Derek Wayne Mullins, and Justin Michael Sveadas, and Leah W. McClanahan, Honorable U.S. District Judge Clifton L Corker, Honorable U.S. Magistrate Judge Christopher H Steger, and the U.S. District Court for the Eastern District of Tennessee by placing the same, postage prepaid in the U.S. Mail on this 31st day of January 2024.

Dated: January 31, 2024 Respectfully submitted,



Mawule Tepe

EXHIBIT 1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

MAWULE TEPE)
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 Plaintiff,) Case No. 1:19-cv-158
v.)
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Whirlpool Customer)
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BANK OF AMERICA)
 Defendants)

MAWULE TEPE)
 Plaintiff,) Case No. 1:22-cv-252
v.)
LUCILLE LATTIMORE)
NELSON ET AL.,)
 Defendants)

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 Plaintiff,) Case No. 1:22-cv-261
v.)
BANK OF AMERICA)
et al.,)
)
 Defendants)

MAWULE TEPE)
)
)
 Plaintiff,) Case No. 1:22-cv-264
v.)
EMILY LOUISE NENNI)
et al)
)
 Defendants)

MAWULE TEPE)
)
)
 Plaintiff,) Case No. 1:22-cv-275
v.)
)
UNITED STATES, et al)
)
 Defendants)

ORDER

Mawule Tepe filed suit against Whirlpool Corporation and related parties in May of 2019. *Tepe v. Whirlpool Customer Experience Center, et al.*, No. 1:19-cv-158 (E.D. Tenn. May 24, 2019). Since that

time, Tepe has filed four additional lawsuits against Whirlpool Corporation and related parties, all of which are related to the original lawsuit¹. Tepe also filed suit against Bank of America and related parties in March of 2021. *Tepe v. Javitch Block LLC, et al.*, No. 1:21-cv-040 (E.D. Tenn. March 03, 2021) (dismissed without prejudice for failure to effectuate service). Since that time, Tepe has filed five additional lawsuits against Bank of America and related parties, all of which are related to the original lawsuit².

1 See *Tepe v. Whirlpool Corp., et al.*, No. 1:20-cv-332 (E.D. Tenn. Dec. 2, 2020) (dismissed, with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim); *Tepe v. Whirlpool Corp., et al.*, No. 1:22-cv-136 (E.D. Tenn. May 25, 2022) (dismissed without prejudice for failure to effectuate service); *Tepe v. Nelson, et al.*, No. 1:22-cv-252 (E.D. Tenn. Oct. 25, 2022); and *Tepe v. United States, et al.*, No. 1:22-cv-275 (E.D. Tenn. Nov. 08, 2022).

2 *Tepe v. Bank of America, et al.*, 1:22-cv-111 (E.D. Tenn. May 09, 2022); *Tepe v. Bank of America, et al.*, 1:22-cv-231 (E.D. Tenn. Sep. 09, 2022); *Tepe v. Bank of America N.A., et al.*, No. 1:22-cv-261 (E.D. Tenn. Oct. 14, 2022); *Tepe v. Nenni*, No. 1:22-cv-264 (E.D. Tenn. Nov. 18, 2022); and *Tepe v. United States, et al.*, No. 1:22-cv-275 (E.D. Tenn. Nov. 08, 2022).

Beginning as early as January 2020, Tepe was recognized by the Court as a “prolific filer of motions and discovery requests....” *Tepe v. Whirlpool Customer Experience Center, et al.*, No. 1:19-cv-158, Doc. 60 (E.D. Tenn. Jan. 23, 2020). The Court has repeatedly warned Tepe about his filing conduct. See *Tepe v. Nelson, et al.*, No. 1:22-cv-252, Doc. 17, pp. 6-7 (Oct. 25, 2022) (outlining previous warnings by Court).

Tepe’s prolific filings have continued to increase unnecessarily. Seven of Tepe’s lawsuits were filed in 2022, five of those being within the same thirty-day period. The lawsuits duplicate allegations made in earlier lawsuits and collaterally attack orders entered in earlier lawsuits. Additionally, Tepe has begun to sue the attorneys representing the Defendants in the earlier lawsuits. *Tepe v. Nelson, et al.*, No. 1:22-cv-252 (E.D. Tenn. Oct. 5, 2022) and *Tepe v. Nenni, et al.*, No. 1:22-cv-264 (E.D. Tenn. Oct. 18, 2022). Due to the onslaught of lawsuits and motions therein, both the Bank of America Defendants and the Whirlpool Corporation

Defendants have moved for protective orders against Tepe. See *Tepe v. Nelson, et al.*, No. 1:22-cv-252, Doc. 17 (E.D. Tenn. Oct. 25, 2022) and *Tepe v. United States, et al.*, No. 1:22-cv-275, Doc. 38 (E.D. Tenn. Dec. 01, 2022) (“Short of entry of a Vexatious Litigant Order, there is no end in sight to Plaintiff’s dilatory, duplicative, and bad faith conduct. Plaintiff

continues to abuse the federal court system by harassing BANA, its counsel . . . with frivolous litigation, discovery requests, and filings.”). Accordingly, pursuant to Standing Order 18-04 (Aug. 2018), the Court referred Tepe to Chief Judge Travis R. McDonough for consideration of whether to implement a filing injunction against Tepe. *Tepe v. United States, et al.*, No. 1:22-cv-275, Doc. 10 (E.D. Tenn. Nov. 15, 2022) (Order).

On February 15, 2023, the Court held a hearing in Tepe’s cases. At the hearing, Tepe represented that he is considering filing additional lawsuits, including a potential lawsuit against judges of the United States Court of Appeals for the Sixth Circuit based on that court’s dismissal of his appeals in Case Nos. 1:21-cv-40 and 1:22-cv-111. Moreover, Tepe also indicated that he intends to continue his practice of including allegations and claims from previously-filed cases, many of which are still pending before the Court, in new lawsuits or amended complaints in more recently-filed lawsuits to avoid substantively responding to pending motions to dismiss, or, alternatively, to attempt to revive claims already dismissed by the Court. In other words, Tepe has made clear that he intends to continue taxing the Court’s resources with his filings absent Court intervention.

The Court has the authority to restrict prolific litigants from repeatedly filing frivolous matters

without first obtaining leave of court. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-50 (1991); *Jones v. Kolb*, 91 Fed. Appx. 367, 369 (6th Cir. 2003). The Sixth Circuit has determined that restricting prolific litigators from filing any document without prior approval by the Court is a proper method for handling the complaints of prolific litigators. *Filipas v. Lemons*, 835 F.2d 1145, 1145 (6th Cir. 1987); *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269 (6th Cir. 1998). “A prefiling review requirement is a judicially imposed remedy whereby a plaintiff must obtain leave of the district court to assure that the claims are not frivolous or harassing” and such a requirement is appropriate when a litigant has demonstrated a pattern of repetitive or vexatious litigation, particularly where “a litigant is merely attempting to collaterally attack prior unsuccessful suits.” *Raimondo v. United States*, No. , 2022 WL 3581144 (E.D. Mich. Aug. 19, 2022).

Here, Tepe has shown a pattern of repetitive and vexatious litigation as well as a pattern of attempting to collaterally attack prior unsuccessful suits. Considering Tepe’s history, the Court finds that nothing less than an injunction will likely be adequate to prevent future frivolous and vexatious filings in this Court.

Accordingly, Mawule Tepe is hereby permanently **ENJOINED** from filing any new lawsuit in this Court without first seeking and

obtaining the Court's permission to file³. To obtain the Court's permission to file, Tepe **MUST** submit to the Court:

1. A copy of the proposed petition or complaint to be filed.
2. A "Motion Pursuant to Court Order Seeking Leave to File," which must include as exhibits:
 - a. A copy of this Order;
 - b. A declaration which has been prepared pursuant to 28 U.S.C. § 1746, or a sworn affidavit, certifying that:

3 At this time, the Court's injunction is limited to enjoining Tepe from filing new lawsuits without permission from the Court. Tepe's filing history, however, includes numerous instances of frivolous motions practice, including, but not limited to, seeking to disqualify opposing counsel from appearing in his cases premised on his baseless assertion that opposing counsel are not admitted to practice before this Court. If Tepe continues to engage in frivolous motions practice that detracts from addressing the underlying merits of his claims, the Court will consider whether additional restrictions are appropriate.

b. A declaration which has been prepared pursuant to 28 U.S.C. § 1746, or a sworn affidavit, certifying that:

- i. the petition or complaint raises a new issue which has never been previously raised by him in this or any other court;
- ii. the claims asserted in the petition or complaint are not frivolous; and
- iii. the petition or complaint is not filed in bad faith.

c. A statement that lists:

- i. the full caption of each and every suit which has been previously filed by him or on his behalf in any court against each and every defendant named in any new suit he wishes to file, and
- ii. the full caption of each and every suit which he has currently pending.

The Clerk is instructed to reject any proposed filings by Tepe that do not contain the required Motion Pursuant to Court Order Seeking Leave to File and exhibits. The Court may deny any motion for leave to file if the proposed document is frivolous, vexatious, harassing, or otherwise fails to comply

with this Order. If the motion is denied, the proposed document shall not be filed and will be returned to Tepe.

The Court may dismiss any action initiated by the inadvertent filing by the Clerk's Office of any petition or complaint submitted by Tepe that has not been approved for filing pursuant to this Order. A failure to comply with this Order may lead to further sanctions⁴.

SO ORDERED.

/s/ Travis R. McDonough
TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE

4 In several of his cases, named defendants have filed motions for protective order or for sanctions based on Tepe's repetitive filings. (See Doc. 115 in Case No. 1:19-cv-158; Doc. 16 in Case No. 1:22-cv-252; Doc. 24 in Case No. 1:22-cv-252; Doc. 20 in Case No. 1:22-cv-261; Docs. 6, 37 in Case No. 1:22-cv-275). Those motions for protective orders are **GRANTED** to the extent they are consistent with the Court's filing injunction and are otherwise **DENIED**.