

No. ~~24-6004~~

IN THE SUPREME COURT OF THE UNITED STATES

In Re,

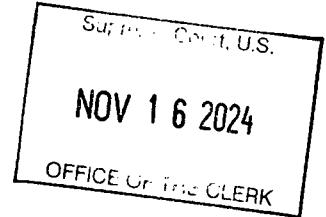
Aliyah Monroe,

Petitioner,

vs.

Timothy McDowell,

Respondent,



Petition for A Writ of Mandamus

To the Twentieth Judicial
Circuit of St. Clair County

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Question(s) Presented

1.) Is the Illinois trial courts judgment, dated

02/25/2022, valid, if due process, equal

protection, and/or jurisdiction is absent for

the duration of the case?

2.) If Illinois law states that an

Ex parte/emergency order of protection (OP)

is to be held for at least three days, but the

IL State Court voids the OP in less than

three days, would an OP still be valid?

Would an entered Court order be void or

invalid that prematurely ended an OP less

than three days?

3.) Is it lawful for a State Court to enter a Child

Custody Determination that automatically

rewards the father with most of the

parenting time (or physical custody) if the

mother is held in contempt of court while

the best interests of the minor child was not

heard on hearing before the automatic

reward of custody to the father (McDowell)?

4.) Would a child custody decree be invalid or void if it was modified by a State Court that lacked original jurisdiction to enter a child custody decree IAW Illinois' Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA)?

5.) Is it lawful for an Illinois State Court to transfer an out-of-state (OK) emergency Order of Protection (OP) proceeding to its Court, and not hold a hearing for the emergency OP proceeding? Is it lawful for the IL Court to instead reward the alleged offender within the OP from OK with majority parenting time?

6.) Is it lawful to prosecute a party twice for the same civil matter that arose from the same cause of action and circumstances?

7.) Is it an abuse of discretion to enter a judgment that changed the schedule of a minor child (at one year old) from their sole and primary caretaker since birth, to implement a child custody judgment that executes two-week rotations, which includes a 13 hour + drive with a parent that the minor child has spent little to no time with since birth?

8.) Is it lawful for a State Court to not enforce its judgment and provide a grieved parent with no make-up parenting time which later facilitated parental kidnapping or abduction for over 1.5 years?

9.) What is a void judgment?

10.) Can a void judgment, determination, or decree be appealed at any time by any court?

Corporate Disclosure Statement

Pursuant to Supreme Court Rule

**29.6, the Petitioner-Plaintiff, Aliyah Monroe,
discloses there is no parent or publicly held
company owning 10% or more in
corporations' stock.**

Related Proceedings

- i. McDowell v. Monroe, No. 20-F-0089, 20th
Judicial Circuit Court for St. Clair County,
Belleville, IL. Judgment entered Feb. 25, 2022.

- ii. McDowell v. Monroe, No. 05-22-0344, App. Ct
of IL, 5th District, Mt Vernon.
Order entered Nov. 23, 2022.

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Opinions

McDowell vs. Monroe, Mt. Vernon 5th District, 11/23/2022

No. 5-22-0344

Aliyah Monroe v. Timothy McDowell, U.S. Court of Appeals
Seventh Circuit, 05/10/2024.

No. 23-3040

Jurisdiction

Petitioner, Ms. Aliyah Monroe, invokes this Court's
jurisdiction under "The All Writs Act of 1948".

Constitutional Provisions Involved

United States Constitution, Amendment XIV:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Statement of the Case

1. Year 2020

On February 05, 2020, case 20-F-0089 was initiated by Mr. Timothy McDowell and his Counsel, Gary A. Mack, to Allocate Parental Responsibility and establish Parentage. The parties, Ms. Aliyah Monroe and Mr. Timothy McDowell, were ordered to attend a mandatory parenting class, titled, "Children First". Ms. Monroe completed the program on March 16, 2020; however, Mr. McDowell did not complete the training.

On or around 09 Jun 2020, a case management conference was held, and the parties were ordered to mediation. On June 26, 2020, mediation was ended and unsuccessful. On July 13, 2020, Counsel Mack filed a notice of hearing for temporary matters that were scheduled to be heard on July 29, 2020.

Thereafter, on July 17, 2020, Counsel Mack and his client Mr. McDowell filed a petition for removal of the minor child from Ms. Monroe's home. However, on July 24, 2020, Ms. Monroe responded by filing an Ex parte Order of Protection. The Order of Protection

was served on July 25, 2020, at 1:37 p.m. to Mr. McDowell with a Court hearing for the Order of Protection set for August 10, 2020. However, on the day of the temporary hearing, which was July 29, 2020, honorable Judge Stacy Campbell held a hearing for a Plenary Order of Protection before proceeding to the temporary hearing as scheduled.

During the Order of Protection hearing, Ms. Monroe testified of Mr. McDowell's physical abuse, emotional abuse, quick temper, alcoholism, stalking, concealment of the minor child, rape, violent altercations at the hospital with the minor child, little to no support of the minor child, abandonment during/after pregnancy, and other matters regarding her relationship with Mr. McDowell. Ms. Monroe recalled specific events and details regarding Mr. McDowell's behavior with her and the minor child.

However, the IL Court denied the Plenary Order of Protection, entered an Order for a Guardian Ad Litem (GAL) which was Mr. Dennis Watkins, and entered an Order to award Mr. McDowell parenting time on Saturdays from 10 am-6 pm until the hearing

for all remaining issues was conducted on August 26, 2020. Testimony and records show that Mr. McDowell and Ms. Monroe were never married and that the minor child had lived with Ms. Monroe since the minor child's birth. It was testified that Mr. McDowell showed little to no support for the minor child before and after the minor child's birth and that Mr. McDowell had only willfully supported himself and others before and after the birth of the minor child.

On August 26, 2020, Ms. Monroe's Petition to Relocate with the minor child to Florida and Mr. McDowell's Petition for Parental Responsibility and Parenting Time were addressed by Judge Stacy Campbell. During this hearing, Ms. Monroe attempted to show her evidence of printed emails regarding the conversations between her and Mr. McDowell, but Judge Campbell refused to receive the emails. Therefore, during Ms. Monroe's moment to testify, she reiterated the following:

The child was conceived by sexual assault.

There has been domestic violence and stalking in the past in the relationship with Mr. McDowell of Ms. Monroe's family and herself.

Mr. McDowell had little to no interactions with the minor child, and when Ms. Monroe would meet him in public places to see the minor child, Mr. McDowell would threaten to take the child from her or would make the conversation about Ms. Monroe and not the minor child.

Mr. McDowell didn't have a substantial relationship with the minor child and was not interested in the minor child until he learned that Ms. Monroe was relocating to another state.

The minor child has not had a relationship or bond with Mr. McDowell since the minor child's birth. During the temporary parenting schedule, the minor child was returned unkept, unclean, emotionally withdrawn, fearful about returning to Mr. McDowell, and other negative responsive behaviors.

The GAL, Mr. Dennis Watkins, was required to interview both parents' behavior with the minor child before trial. The GALs stated at trial that the minor child was better behaved with Mr. McDowell vs. Ms. Monroe and that the child was jumping in and out of Ms. Monroe's arms unsettled. Ms. Monroe believed the GAL to be retaliative due to Mr. Watkins' professionalism during the interview of her with the minor child.

At the trial on August 26, 2020, Ms. Monroe stated that the GAL didn't mention the minor child falling asleep shortly afterward. The GAL filed an incomplete report based on a single 1.5-hour meeting with each party 4 weeks before the trial. During Ms. Monroe's interview with Mr. Watkins (the GAL), he shared stories of himself as a single dad and his children's mother, a drug addict, who is sadly deceased. He told Ms. Monroe that his three daughters were successful and that he raised them as an only father. Mr. Watkins began telling Ms. Monroe about several of his past experiences and how children loved him.

The stories went on many tangents, and Ms. Monroe eventually asked Mr. Watkins if he was going to start the interview regarding the emails, police notes, and text messages she provided of Mr. McDowell. Mr. Watkins stumbled with his words and started the interview. Mr. Watkins stated to Ms. Monroe during the interview that it is unlikely that Mr. McDowell would get Parental Responsibility or much visitation time with the minor child because he was not present in the child's life and provided little support to the minor child. Mr. Watkins later had a scheduled Court hearing after the interview with Ms. Monroe, so the interview soon ended.

During the trial, Ms. Monroe stated that information regarding the minor child's behavior during a moment of the child's nap time is a factor not included in GAL's report. Ms. Monroe expressed that she was being retaliated against for her comment during the interview, Judge Campbell stated that she agreed with GAL's report regarding the wellness of the behavior of Ms. Monroe although the report was incomplete.

The result of Judge Campbell's final judgment allowed Ms. Monroe to relocate to Florida with a 50/50 Parental Responsibility and Parenting Plan between Mr. Timothy McDowell and herself. The Parenting Plan included a schedule of a two-week rotation over a 13hr+ drive until the one-year-old minor child started grade school. The exchange points were to take place at a McDonald's in Pulaski, TN.

Between the time of Sep. 2020 and Dec. 2020, Ms. Monroe was held in contempt of court twice. The first contempt was around Sept 25, 2020, due to the delay in returning the minor child during Hurricane Sally in Florida. The second contempt was around Dec 2020, due to Ms. Monroe withholding the minor child after she noted observable changes to the minor child such as character withdrawals, neglect, and fear of being separated from Ms. Monroe.

2. Year 2021

Early January 2021, Ms. Monroe retained Counsel, Joslyn Sandifer, of Sandifer and Associates. Counsel Joslyn Sandifer represented Ms. Monroe from January 2021 until Mar 2022. During this time, Ms.

Monroe was held in the 2nd contempt in January 2021, which was continued from Dec 2020. The 2nd contempt of court was for withholding the minor child from Mr. McDowell. Later, around mid-January 2021, Ms. Monroe was ordered to undergo a psychological evaluation Motioned by Mr. McDowell.

During this time, Ms. Monroe had no parenting time with the minor child from mid-January 2021 to early April 2021. Afterward, the psychological evaluation ruled Ms. Monroe safe for the minor child and that issues could develop with the minor child being separated from the caregiver she's only known since birth.

The Court resumed the two-week rotation of the minor child in April 2021. However, due to a loss in Mr. McDowell's family, month-to-month rotation occurred for Mr. McDowell and Ms. Monroe. Around July 2021, the two-week rotations continued until late Sep. 2021.

Around Sept 2021 or Oct 2021, Ms. Monroe was held in a 3rd contempt of court based on hearsay. At the exchange location, which was a McDonald's in Pulaski, TN, Mr. McDowell refused to wait for Ms.

Monroe's dress for the child during inclement weather of rain. During the hearing for contempt of court, Judge Stacy Campbell based the situation upon the past actions of Ms. Monroe, remarks from Mr. McDowell, and her interpretation of the matter. Ms. Monroe showed the text messages in her phone between herself and Mr. McDowell, through her Counsel, Josilyn Sandifer, to demonstrate that he had left the exchange location and didn't want to retrieve the minor child during light rain.

However, Ms. Monroe was still held in the 3rd contempt of court, and the Courts provided makeup time to Mr. McDowell though he willingly left the exchange location before the ordered exchange time of 4:30 pm. However, Ms. Monroe was still held in contempt of court despite the aforementioned. Therefore, Mr. McDowell had the minor child from around Sep 2021 to Oct 2021 time frame for make-up time. In early Oct 2021, Ms. Monroe emailed Mr. McDowell per the 2020 judgment that she was relocating to New Mexico which was 60 days before the relocation.

However, the honorable Judge Campbell stated that Ms. Monroe didn't follow the Judgment and that it was unacceptable. Ms. Monroe also filed petitions by Counsel Sandifer to modify the 2020 parenting plan and relocate with the minor child. Mr. McDowell filed a Petition to Modify Parenting time also, but Ms. Monroe wasn't aware of this until around November 2021. In early November 2021, a multi-day hearing was held to modify the parenting plan of 2020 (that consisted of two-week rotations) to a different parenting plan.

The final decision rendered was month-to-month rotations with an imposition that if Ms. Monroe was held in contempt of court again, then Mr. McDowell would get majority parenting time automatically. The parenting plan also states that when the minor child starts Pre-K in January 2023 or later in the year, Mr. McDowell would get the majority of parenting time IAW school year calendar, and Ms. Monroe would get weekend visits and respective holidays.

Therefore, based upon either of the two circumstances, Mr. McDowell would automatically get the Majority of parenting time for the minor child

whether she starts Pre-K or if Ms. Monroe was found in Contempt of Court. The Judgment also granted Ms. Monroe's petition to relocate with the minor child from Florida to New Mexico, but that Mr. McDowell would have her for 4 weeks starting mid-December 2021 to January 2022. The updated exchange location would now take place at the McDonald's in Bristow, Oklahoma (OK).

3. Year 2022

In early January 2022, Mr. McDowell returned the minor child to Ms. Monroe per the new Parenting Plan decided Nov 2021 but wasn't filed until February 25, 2022. When Ms. Monroe received the minor child from Mr. McDowell, she had a grey two-piece sweat suit on with a pink-collar trim. Ms. Monroe observed the child's hair was matted and unkept, her skin was dry and rough. The child's self and clothing were the scent of a foul-fish odor or an unkept female adult. Ms. Monroe attempted to file an emergency petition via her Counsel Ms. Sandifer, but Ms. Sandifer warned against it. Ms. Monroe was very perplexed.

Ms. Sandifer advised Ms. Monroe to continue with exchanging the child if there was no evidence of anything horrible happening to the child. Ms. Monroe did not agree. Ms. Monroe took the minor child to medical professionals and filed a police report. However, Ms. Monroe was concerned about not following the judgment and not seeing the minor child. Therefore, Ms. Monroe was anguished with exchanging the minor child for Mr. McDowell on February 05, 2022.

During this time, Ms. Monroe attempted to video conference with the minor child, but Mr. McDowell disallowed the video chats to take place. Ms. Monroe maintained the several times Mr. McDowell disallowed the video conference and attempted to motion the Courts to hold Mr. McDowell in contempt of court for not following the Parenting Plan. Mr. McDowell was finally held in contempt of court in late February 2022. On March 5, 2022, the minor child was returned to Ms. Monroe with bruises, odor, a heavily soiled pamper, a shaved head, and withdrawn, and soiled clothes.

Ms. Monroe no longer retained Counsel Joslyn Sandifer, so she filed her motions and petitions as an emergency regarding the state of the minor child. She later filed an amended Emergency Petition with pictures and a police report, but Judge Campbell maintained the original scheduled hearing for April 12, 2023, which would be after the time frame for Ms. Monroe to re-exchange the minor child to Mr. McDowell again. Ms. Monroe had taken the minor child to the hospital and other medical professionals, filed a police report, and filed an Order of Protections IAW 750 ILCS 60/209 para (a) which states:

“Filing. A petition for an order of protection may be filed in any county where (i) the petitioner resides, (ii) the respondent resides, (iii) the alleged abuse occurred or (iv) the petitioner is temporarily located if the petitioner left petitioner's residence to avoid further abuse and could not obtain safe, accessible, and adequate temporary housing in the county of that residence.”

Ms. Monroe filed the Order of Protection where she lives in New Mexico, in St. Louis, MO which is where Mr. McDowell lived, and in Oklahoma which is where the abuse may have occurred. Ms. Monroe successfully retrieved an Emergency Order of Protection from the applied Courts, but they were informed by Mr. McDowell's Counsel, Gary Mack, of a pending case in Illinois which caused the Court in Curry County, New Mexico to deny a Plenary Order of Protection due to lack of jurisdiction and the Court in Clayton County, St. Louis Missouri to deny a Plenary Order of Protection due to lack of jurisdiction.

Lastly, the Courts in Creek County, Oklahoma extended the emergency Order of Protection until a full hearing could take place with the IL courts it was informed by Mr. McDowell's Counsel, Gary Mack, that there was a hearing taking place in St. Clair County, Belleville, IL on April 12, 2023, at 4 pm (CST) via Zoom.

On April 12, 2023, at 4 pm via Zoom with the Courts of Saint Clair County, Belleville, IL. Judge Stacy Campbell canceled the hearing because Counsel

Gary Mack stated that there was still an Order of Protection pending in Missouri, so Judge Campbell paused acting in the case until the Order of Protection from Missouri was dismissed. Mr. Gary Mack affirmed that it would be dismissed. Judge Stacy Campbell stated that she would hold me in contempt of Court if all Order of Protection were dismissed. She also stated that she didn't deem the situation as an emergency and that all the other Courts stated that she did. However, Ms. Monroe stated that the other Courts stated that they lacked Jurisdiction and that it wasn't due to the merits. Ms. Monroe also stated that all the other Courts granted an emergency Ex-parte Order of Protection that consisted of the same information given to this Court. She was the only Judge who deemed it not an emergency.

After the Order of Protection from Missouri was dismissed due to lack of jurisdiction. There was a case management conference on April 27, 2022, and Judge Campbell stated that Ms. Monroe had to come in person with the minor child in her arms, but Ms. Monroe stated that she wouldn't be able to make the

Court hearing on April 28, 2022, in-person, promptly.

On April 28, 2022, the hearing took place, but Ms. Monroe didn't make it in time. Therefore, a default judgment was entered against Ms. Monroe. However, Ms. Monroe filed a Motion to Vacate the default judgment entered against her. 735 ILCS 5/2-1203 reads as states:

“(a) In all cases tried without a jury, any party may, within 30 days after the entry of the judgment or within any further time the court may allow within the 30 days or any extensions thereof, file a motion for a rehearing, or a retrial, or modification of the judgment or to vacate the judgment or for other relief.

(b) Except as provided in subsection (a) of Section 413 of the Illinois Marriage and Dissolution of Marriage Act, a motion filed in apt time stays enforcement of the judgment except that a judgment granting injunctive or declaratory relief shall be stayed only by a court order that follows a separate application that sets forth just cause for staying the enforcement.”

Therefore, the default judgment entered against Ms. Monroe stays the enforcement of the default judgment. The Motion to vacate the default judgment was noticed for June 28, 2022, at 8 am in Courtroom 303, in Saint Clair County, Belleville, IL. However, Counsel Gary Mack later filed a Petition to hold Ms. Monroe in Contempt of Court against Ms. Monroe and noticed the Petition to be heard on May 13, 2022, in person with the minor child in arms. Mr. Daniel Grueninger was later retained by Ms. Monroe as Counsel. Mr. Grueninger refiled a Motion to Vacate and changed the Court date for the Motion to Vacate from June 28, 2022, to May 13, 2022, which placed the notice on the same day as the contempt proceeding.

Ms. Monroe disagreed with this and informed Mr. Grueninger that she had already filed a Motion to Vacate and Noticed it for June 28, 2022, which stays the default judgment, but her Counsel Mr. Grueninger told her that the statute 735 ILCS 5/2-1203 only applied to appeals.

On May 13, 2022, Ms. Monroe, Mr. McDowell, and their respective Counsel attended the hearing in

person in courtroom 303 in Saint Clair County, Belleville, IL before Judge Stacy Campbell. Judge Campbell ordered to vacate the default judgment while also holding Ms. Monroe in contempt of court. The same reasons and sanctions in the default judgment were entered against Ms. Monroe in a contempt order.

Ms. Monroe was ordered to return the minor child on May 13, 2022, at the visitor's center of Scott AFB, IL which she complied with. She was also ordered to pay attorney fees, and her parenting time with the minor child was automatically modified from month-to-month rotations to weekends, summer months, and respective holidays listed in the Judgment entered on February 25, 2022.

Ms. Monroe no longer retained the Counsel of Mr. Dainel Grueninger and filed a Notice of Appeal (NOA) for the Contempt Order entered on May 13, 2022. Ms. Monroe also filed a NOA for the Order denying the Order of Protection hearing to take place in Creek County due to St. Clair County being a forum of non-conveniens. Ms. Monroe later retained Appellate Counsel, David Gotzh to appeal the Contempt Order

from May 13, 2022, and to appeal an Order later entered by Judge Campbell on June 28, 2022, that maintained the status quo.

On November 11, 2022, the Appellate Court concluded the appeal with a disposition order that stated Judge Campbell maintained the status quo and was executing an administrative or ministerial order which is not an injunction. The Appellate Courts also stated that they lacked jurisdiction over the appeal and that the matter was not properly before them.

Thereafter, Ms. Monroe no longer retained Appellate Counsel, David Gotzh, and Judge Stacy Campbell continued to not enforce her judgment entered on February 25, 2022, during and after the appeal to the Appellate Courts in the 5th District of Mount Vernon though it was stated lawful. Ms. Monroe had not seen the minor child since May 13, 2022, to December 22, 2022.

According to the Judgment entered on February 25, 2022, Ms. Monroe was to have full summers with the minor child and weekends which had not been exercised during the appeal for June and July 2022.

Mr. McDowell's make-up time ended on or around June 11, 2022. Ms. Monroe filed a petition to hold Mr. McDowell in contempt of court and enforce the judgment for parenting time, but Judge Campbell would not enforce her judgment of February 25, 2022.

On September 09, 2022, Ms. Monroe retained Counsel Cierra Randazzo-Scott, because Ms. Monroe continued to not exercise parenting time with the minor child between May 13, 2022, to December 22, 2022. After the IL Appellate Court's Disposition Order, the Motion to Reconsider filed on March 22, 2022, was heard in Dec 2022 by the lawyers only and Counsel Randazzo-Scott informed me that Judge Campbell only wanted to hear from the lawyers, so that's why the parties didn't attend.

The Motion to Reconsider was denied. Thereafter, Ms. Monroe's Counsel, Ms. Cierra Randazzo-Scott informed her that she would be able to see the minor child for Christmas. However, Ms. Randazzo-Scott told Ms. Monroe that she needed to come in person to Court in Illinois and put up bond money of \$5,000.00 U.S. dollars. Ms. Monroe did not

agree to bond money. Ms. Cierra Randazzo-Scott told Ms. Monroe that it would be the only way to see the minor child again because the courts don't believe that Ms. Monroe is going to return the minor child to Mr. McDowell. Ms. Monroe still didn't agree to bond money. Ms. Randazzo-Scott stated there may be a better chance in person on December 12, 2022, of seeing the minor child drive to Illinois and attending the hearing in person on December 12, 2022.

Ms. Monroe appeared in person on December 12, 2022, to the Illinois Court, as advised by Counsel Randazzo-Scott. The result was that Ms. Monroe had to put up bond money of \$3,000 US dollars or I would not see my child at all. Judge Campbell also stated that Mr. McDowell would exercise the majority of parenting time while Ms. Monroe exercises weekend visitations. Judge Campbell would not enforce the judgment entered on February 25, 2022; she stated that she was going to modify the judgment of February 25, 2022, because it's not being kept.

On December 12, 2022, Judge Campbell entered a temporary order stating that Ms. Monroe would have

the minor child from December 22, 2022, until December 30, 2022, approximately after the bond money of \$3,000 was paid. Thereafter, Ms. Monroe was to exercise parenting time with the minor child on the second weekend of each month with the enforcement of holidays.

Therefore, from December 22, 2022, until December 30, 2022, approximately, Ms. Monroe exercised parenting time with the minor child and returned the minor child to Mr. McDowell around December 30, 2022.

4. Year 2023-present

On January 14, 2023, Mr. McDowell did not return the minor child to Ms. Monroe due to Mr. McDowell having to attend a funeral. However, Mr. McDowell still didn't return the child afterward. Ms. Monroe wanted to file a Motion via Counsel to hold Mr. McDowell in contempt of Court, but her Counsel, Ms. Randazzo-Scott, advised against it, and Ms. Monroe adhered.

However, on February 11, 2023, Ms. Monroe still hadn't received the minor child as stated in the

temporary orders entered on December 12, 2022. Ms. Monroe again wanted to file a Motion to hold Mr. McDowell in contempt of Court, but her Counsel, Ms. Randazzo-Scott, refused to file a Motion for contempt against Mr. McDowell. Ms. Monroe no longer retained the Counsel of Ms. Cierra Randazzo-Scott around March 2023.

Ms. Monroe filed Motions to hold Mr. McDowell in contempt of Court, but Judge Campbell wouldn't hear them until June 15, 2023. Judge Campbell scheduled all remaining issues to be held on June 15, 2023, which caused Ms. Monroe to become further delayed in receiving any parenting time or make-up parenting time since the pending appeal and since December 30, 2022. Between Mar 2023 to Jun 15, 2023, Ms. Monroe did not see the minor child.

On June 15, 2023, which is when the trial was to take place, Mr. McDowell's Counsel, Mr. Gary Mack, entered a motion to withdraw from the case. Judge Campbell stated if Mr. Gary Mack withdraws from the case, that Ms. Monroe will not have any parenting time with the minor child. Judge Campbell stated that Mr.

McDowell gets 21 days to retain counsel. I stated that I didn't understand because according to the Judgement of February 25, 2022, I am allowed Summers with the minor child. Judge Stacy Campbell stated that she was concerned for the safety of my child with me that I had not followed her parenting plan and that she was going to significantly reduce my parenting time. I stated that I was not a danger to my child and that I hadn't placed her in danger. I did not object to the withdrawal of Mr. Gary Mack from the case, and Judge Campbell then scheduled a trial for all remaining issues on September 7, 2023.

On August 18, 2023, Ms. Monroe removed Case 20-F-89 from Saint Clair County, Belleville, IL to the United States District Court for the Southern District of Illinois (East St. Louis) due to diversity statute. However, the U.S. District Court stated it lacked jurisdiction based on case studies. However, Ms. Monroe was Ordered by the honorable Judge Stephen P. McGlynn to submit a brief for why the District Court had jurisdiction.

Ms. Monroe submitted a brief to justify the District Court's jurisdiction in this case. However, the District Court stood by its original decision and dismissed the case without prejudice. Case No. 20-F-0089 in St. Clair County was rescheduled from September 7, 2023, to October 10, 2023. In the order, it states that if neither party participated in the case, then the case would be closed.

Thereafter, case management for case No. 20-F-0089 took place, and the case was closed. The U.S. District Court of Southern Illinois stated that it lacked jurisdiction due to the Rooker-Feldman doctrine and the U.S. Court of Appeals for the Seventh Circuit affirmed.

REASONS FOR GRANTING THE WRIT

Reasons for granting the Writ are that the actions of Judge Stacy Campbell violated the best interests of the child who had known Ms. Monroe since the minor child's birth. The parties in case No. 20-F-0089, Ms. Monroe and Mr. McDowell, were never married. Mr. McDowell had little to no involvement with the minor child before and after the birth. Mr. McDowell abandoned Ms. Monroe after hearing of the pregnancy of the child.

Insufficient aid was provided although Mr. McDowell was able. Judge Stacy Campbell abused her discretion. The report of GAL Dennis Watkins was rushed and incomplete in which he had stated he had little time to accurately report it. It was erroneous and biased against Ms. Monroe given his stories to her of his past concerning his children's mother who sadly died from drug overdose after he fought 3yrs in Court for his children. The schedule of a two-week rotation of a minor child that is on the road

for 13hrs+ disallows the development of the minor child. There was no substantial evidence of unfitness of Ms. Monroe as a mother to continue care for the minor child. Mr. McDowell was given more deference although he had little to no involvement with the minor prior and after the birth of the child.

Then the schedule was arranged to that of a hindering schedule for the minor child's growth that Ms. Monroe nor Mr. McDowell agreed to. Mr. McDowell has not ever made any decisions making actions for the minor child but was given this right after Judge Campbell was aware of the lack of involvement Mr. McDowell had by his actions of spending money on his Girlfriend now wife at the time by dining in St. Louis, MO and enjoying other entertaining events, but Mr. McDowell refused to support the minor child with essential needs for diapering.

There was an Order of Protection that was extended by Creek County, OK Courts, but a full hearing never took place after the Ex parte Order of Protection was extended to allow the Court of Saint Clair County to conduct a full hearing on the matter on

April 12, 2022, because that is what the Courts and/or the Counsel, Mr. Gary Mack, had conveyed to Mr. McDowell's attorney in Oklahoma to combat the Order of Protection.

Additionally, IAW 750 ILCS 5/609.2 para (h) states that if a parent moves within 25 miles or less from the child's current primary residence, which was Ms. Monroe's residence in IL, than IL continues to be the home state of the child under section c of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). However, the minor child was relocated greater than 25 miles and Illinois was no longer the child's home state. Illinois law states in 750 ILCS 36/202 para (b) states that a Court of this State which has made a child-custody determination and does not have exclusive, jurisdiction under this Section may modify that determination only if it has jurisdiction to make an initial determination under section 201. Illinois no longer remained as the home state of the minor child are Ms. Monroe relocated to Florida which is outside the 25-mile radius, Illinois was no longer the minor child's home state. The modification of the

Judgment originally entered in August 2020 could not be modified, because Saint Clair Courts no longer had exclusive and continuing jurisdiction, because neither of the parents nor minor child lived in IL since September 12, 2020. In accordance with 750 ILCS 36/202 para (a) Exclusive, Continuing Jurisdiction exists until a court of Illinois determines that the parents and minor child no longer have a significant connection to the state or that the parents and minor child no longer reside in Illinois. It was determined on August 26, 2020, that neither parent would reside in Illinois due to the Courts granting Ms. Monroe's relocation with the minor child on August 26, 2020.

Ms. Monroe attempted to raise the Jurisdictional issue in April 2022, but Judge Campbell continued to claim exclusive jurisdiction though none of the parties no longer resided in Illinois nor had any significant ties other than being retired to litigate in-person sparingly in Illinois.

On April 28, 2022, Ms. Monroe had a default judgment entered against her regarding withholding a minor child and paying attorney fees. Then on May 13, 2022, the default judgment entered on April 28, 2022 was vacated and a contempt proceeding was held instead regarding the same matters as discussed on the April 26, 2022, but in the form of a contempt proceeding which caused Ms. Monroe to still turn over the minor child to Mr. McDowell and not hold a full hearing for the Order of Protection on the bruises to the minor child. Therefore, Res Judicata occurred, because Ms. Monroe was tried twice for the same matters on April 28, 2022, and May 13, 2022.

Lastly, in December 2022, after the case returned to the trial court from the Appellate Court, Judge Campbell did not follow her own parenting plan entered on February 25, 2022. Instead, she entered temporary orders and would not enforce her Parenting Plan judgment, nor the temporary orders entered since Dec 2022. Remedies and relief were sought, but none availed. Ms. Monroe is hindered from exercising parenting time with her minor child as she grows. She pleads for adequate relief.

CONCLUSION

The Judgement(s) entered in Case 20-F-0082 infringed on due process, Stare Decisis, equal protection of the law, Res Judicata, and natural rights and inalienable rights to Ms. Monroe as the biological mother of the minor child born on December 22, 2018. Every parent has the God given right to parent their children, and Ms. Monroe has not been able to freely exercise this right for the forementioned reasons. Wherefore, Ms. Aliyah Monroe respectfully requests that this honorable Court enters an Order to grant this Extraordinary Writ of Mandamus to have the 20th Judicial Circuit Court of St. Clair County in Belleville, IL, vacate the judgment entered 02/25/2022 and that this honorable Court enters an order to return and restore the minor child to Ms. Monroe and any other relief deemed just and equitable.

Respectfully,

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