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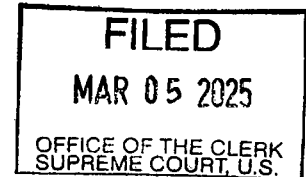
ORIGINAL

IN THE
Supreme Court of the United States

ALI RASHAD MUHAMMAD

v.

LONE STAR FUNDS LLC, Et Al.,



PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATE COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Ali Rashad Muhammad
In Propria Persona
c/o 7749 S. Essex Ave.
Chicago, Ill. 60649
alirashad.muhammad@gmail.com

QUESTION(S) PRESENTED

In *CAPERTON v. A.T. MASSEY COAL CO.*, 129 S.Ct. 2252, 2259 (2009) this Court held to determine whether unconstitutional bias exists, “[t]he Court asks not whether a judge harbors an actual, subjective bias, but instead whether, as an objective matter, ‘the average judge in his position is “likely” to be neutral, or whether there is an unconstitutional “potential for bias.”’”

The questions presented are:

Does *CAPERTON v. A.T. MASSEY COAL CO.*, allow a plaintiff to sue in federal court by claiming that his right to due process was violated as an objective matter by allowing a judge or decisionmaker with an unconstitutional potential for bias to preside over the case? Does the Rooker-Feldman doctrine prevent such a claim?

Did the Petitioner remove the case to the federal court after the 30-day statute of limitations if he was not a party to the unlawful entry and detainer suit, and was not properly served and/or was not given an opportunity to speak due to the case being sealed?

Did the alleged conflict of interest violate the Sherman Antitrust Act sections 1 and 2. Specifically was this an unreasonable restraint by way of conspiracy, and an attempt to use the court as a monopoly in restraint of trade by using the two named judges to deny petitioner’s attempt to set-off the judgment against him with the judgment petitioner has against Caliber Home Loans, Inc.?

Did the abovementioned violate Petitioner’s right to contract protected by Art. I, Sec. 10 of the U.S Constitution? Did this also deny petitioner’s right to liberty to the extent that he was denied the right to contract?

LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

☒ All parties do not appear in the caption of the case on the cover page.

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

JOHN GRAYKEN,
CALIBER HOME LOANS, INC.,
NEW RESIDENTIAL INVESTMENT CORP.,
MICHAEL NIERENBERG,
STATE OF ILLINOIS,
SUSANA MENDOZA,
KUAME RAOUL,
IL SEC OF STATE,
JESSE WHITE,
ALEXI GIANNOULIAS,
CIRCUIT COURT COOK COUNTY,
TIMOTHY C EVANS,
JAMES R ANDERSON,
WILLIAM B SULLIVAN,
IRIS Y MARTINEZ,
MICHAEL P MCGIVNEY,
BARBARA FLORES,
DAVID DRESCHER,
SHERIFF THOMAS J. DART.

RELATED CASES

CALIBER HOME LOANS, INC. v. ALI R. MUHAMMAD, 2019CH10665

ALI RASHAD MUHAMMAD v. LONE STAR FUNDS, LLC et al. 23-cv-05060

ALI RASHAD MUHAMMAD v. LONE STAR FUNDS, LLC et al. No. 24-1730

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OPINIONS BELOW

The opinion of the United States Court of Appeals for the Seventh Circuit is unpublished. That opinion is found in the Appendix to the Petition for a Writ of Certiorari. The opinion of the United States District Court for the Northern District of Illinois is unpublished.

JURISDICTION

The judgment of the court of appeals was entered on December 5, 2024. This Court has jurisdiction under 28 U.S.C. § 1254 (1).

RELEVANT PROVISIONS INVOLVED

28 U.S.C. § 1331 states:

“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

STATEMENT

A. Foreclosure Proceeding.

Ali Rashad Muhammad (“Petitioner”) owned a home in Chicago, Illinois. In September of 2019, Caliber Home Loans, Inc. (“Caliber”), the alleged lender, filed a complaint to foreclose on the property.

On October 14, 2019, Petitioner filed into the record of the CIRCUIT COURT COOK COUNTY, his Common Law Copyright Notice, pertaining to his trade name which gave him the exclusive use of such trade name. Pet. App. 8a.

The Petitioner sent 13 GSA Bonds to Judge Sullivan in order to satisfy the obligation associated with the alleged loan, which the judge received on March 16, 2020. Pet. App. 13-15a.

On September 3, 2021, Caliber, through its attorney Michael P. McGivney, filed in the record of the Court, a Class action complaint bearing Petitioner's trade name, without his consent which violated provisions of our common law copyright, for its unauthorized use of our trade name. Document #: 11 Filed 10/27/23 Page 44-46 PageID #:784-786.

On September 21, 2021, in an ex parte hearing, judge Sullivan issued an injunction against Petitioner, which ordered Petitioner not to file any documents into the record of the court without the court's approval first. Document #: 11 Filed: 10/27/23 Page 55 of 81 PageID #:795.

On May, 2, 2022, judge Sullivan ruled that Petitioner was liable for the alleged debt and granted Caliber's complaint to foreclose.

On September 6, 2022, Muhammad filed an emergency motion to recuse and disqualify judge Sullivan from the case, based on questions of his impartiality or the appearance thereof, in addition to a conflict of interest on the judges part, due to his receipt of GSA bonds from petitioner. Document #: 13 Filed: 11/15/23 Page 2-7 Page ID #:833-838.

On August 3, 2023, Petitioner would come to find out that two of the Shareholders of New Residential Investment Corp., were J.P. Morgan Securities LLC, and UBS Securities LLC. Document #: 11 Filed: 10/27/23 Page 68-70 PageID #:808-810.

On August 5, 2023, Petitioner would come to find out through, finra.org/brokercheck, that William B. Sullivan was/is a registered broker with

J.P. Morgan Securities LLC, since July of 2022. The same J.P. Morgan Securities LLC, that was a shareholder of New Residential Investment Corp., who now owned Caliber. We also discovered that Timothy C. Evans was/is a registered broker with UBS Securities LLC, since June of 2018, who was also a shareholder of New Residential Investment Corp. Document #: 14 Filed: 11/15/23 PageID #:843 and 848, as well as Document #: 12 Filed: 11/15/23 PageID #:826 and 830 filed in the District Court for the Northern District of Illinois. Pet. App. 21-24a.

On 10/11/23 after the District Court for the Northern District of Illinois ordered dismissal of Petitioner's original complaint, it gave Petitioner until 10/27/23 to file an amended complaint. We filed our complaint. Document #: 11 Filed: 10/27/23 Pages 1-81 beginning at PageID #:741.

On October 16, 2023, we received a letter from Sheriff Thomas J. Dart, addressed to Jacqueline Turner, stated that she was required to attend an eviction hearing on November 15, 2023, for Petitioner's property. Document #: 18 Filed: 11/15/23 PageID #:890 and 891. Filed in the District Court for the Northern District of Illinois.

On 10/27/23, after the District Court of Illinois gave Petitioner an order dismissing his original complaint, with instructions to file his amended complaint by 10/27/23, we filed our complaint. Document #: 11 Filed: 10/27/23 Pages 1- 81 beginning at PageID #:741.

On March 28, 2024, the Cook County Sheriff's Office executed an eviction of Petitioner from the property despite the case being removed to the District Court. Petitioner filed an emergency motion in the District Court this same day after being evicted. Document #: 29 Filed: 03/28/24 PageID #:1003.

- B. The District Court dismisses Petitioner's Amended Complaint with prejudice.

On April 4, 2024, the District Court dismissed Petitioner's amended complaint with prejudice for failure to state a claim. Document #: 39 Filed: 04/30/24 PageID #:1033. Pet. App. 1-3a.

- C. The Seventh Circuit affirms the District Court.

The Seventh Circuit affirmed the District Court. It held that the amended complaint failed to state a claim upon which relief could be granted, so it was subject to dismissal on the merits under FRCP 12(6)(b). The amended complaint does not, however, satisfy FRCP 8(a)(2) by actually identifying any wrongful conduct by the defendants, other than with conclusory labels. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009). Document #: 42 Filed: 12/27/24 PageID #:1046. Pet. App. 4-7a.

The District Court en banc made such a ruling without considering the Fourteenth Amendment Due Process Clause, held that Petitioner did not identify any wrongful conduct by the defendants, other than with conclusory labels. Petitioner filed exhibits into the record of the court, Document #: 14 Filed: 11/15/23 PageID #:826 and 830. That judgment was contrary to the ruling laid down by this Court in *Caperton v. A.T. Massey*, 129 S.Ct. 2252, 2259 (2009) (the Due Process Clause as an objective matter, requires recusal where "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable). Pet. App. 21-24a.

The Due Process Clause secures a right to trial before a fair and impartial judge. Evidence that the presiding judge was actually biased is sufficient to establish a due-process violation, but it's not necessary.

Constitutional claims of judicial bias also have an objective component; the reviewing court must determine whether the judge's conflict of interest created a constitutionally unacceptable likelihood of bias for an average person sitting as judge. *Gacho v. Wills*, 986 F.3d 1067, 1075 (7th Cir.2021) quoting *Caperton*, 556 U.S. at 881, objective component laid down in *Caperton*.

REASONS FOR GRANTING PETITION

- I. Certiorari should be granted to hold that a compelling reason exists in that a United States court of appeals (Seventh Circuit) has decided an important question of federal law in a way that conflicts with relevant decisions of this Court. Particularly *Caperton v. A.T. Massey*, 129 S.Ct. 2252, 2259 (2009) (the Due Process Clause as an objective matter is too high to be constitutionally tolerable).

This Court has frequently cautioned "the due process clause incorporated the common-law rule requiring recusal when a judge has "a direct, personal, substantial, pecuniary interest" in a case, *Tumey v. Ohio*, 273 U.S. 510, 523, 47 S.Ct. 437, 71 L.Ed. 749, but this Court has also identified additional instances which, as an objective matter require recusal where "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable," *Withrow v. Larkin*, 421 U.S. 35, 47, 95 S.Ct. 1456, 43 L.Ed.2d 712.

The U.S. Court of Appeals for the Seventh Circuit held in *Gacho v. Wills*, 986 F.3d 1067, 1075 (7th Cir.2021) was a petition for habeas relief by a petitioner who had been convicted in an Illinois state court for murder. The presiding judge in that case was convicted for corruption in 1991. Gacho upon seeing his codefendant win a new trial based on judicial bias, filed for habeas relief and a new trial was denied relief by the Illinois Appellate court in 2016. A district court reviewed

decision and denied habeas relief. The court of appeals reversed, stating that "The Due Process Clause secures a right to trial before a fair and impartial judge.

Quoting Caperton, it held "Constitutional claims of judicial bias also have an objective component: the reviewing court must determine whether the judge's conflict of interest created a constitutionally unacceptable likelihood of bias for an average person sitting as judge."

Without this guarantee that one may not be deprived of his rights, neither liberty nor property, without due process of law, the State's monopoly over techniques for binding conflict resolution could hardly be said to be acceptable under our scheme of things. Quoting *Boddie v. Connecticut*, 401 U.S. 371, 375 (1971). Thus, would further harm the public trust and confidence the people have in their government.

As a result of the judgment of the Circuit Court of Appeals, Petitioner was damaged in that he was further denied his right to due process, as well as denied his right of possession, including his bargained for security interest of the promissory Note.

CONCLUSION

For these reasons, petitioner ALI RASHAD MUHAMMAD respectfully requests that the Court grant his petition for writ of certiorari.

Ali Rashad Muhammad
In Propria Persona
c/o 7749 S. Essex Ave., 1N
Chicago, Ill. 60649
alirashad.muhammad@gmail.com
(708)539-9201

APPENDIX

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Ali Rashad Muhammad,

Plaintiff,

v.

Loan Star Funds et al.,

Defendants.

No. 23-cv-5060

Judge Mary M. Rowland

ORDER

Plaintiff Ali Rashad Muhammad brings this *pro se* lawsuit against 21 Defendants: (a) Loan Star Funds, Caliber Home Loans, Inc., New Residential Investment Corp., and the CEOs of those three entities; (b) several current and former state officer holders including Illinois Attorney General Kwame Raoul, Secretary of State Alexi Giannoulias, former Secretary of State Jess White, and Susana Mendoza, State Comptroller; (c) state court judges Judge Timothy Evans, Judge Barbara Flores and Judge William Sullivan, Iris Martinez, Clerk of Court, the Circuit Court of Cook County and other state court personnel. He also names Sheriff Dart and two private attorneys, Michael McGivney, and David Drescher. [11]. The Court previously granted Plaintiff's *in forma pauperis* application and dismissed without prejudice Plaintiff's original complaint. [9]. Plaintiff has now filed an amended complaint. [11]. For the reasons set forth below, Plaintiff's amended complaint is dismissed, and this case is closed. Plaintiff's emergency motion [29] is denied as moot.

STATEMENT

Previously, the Court allowed Plaintiff to amend his complaint consistent with its Order [9], noting that the Court could not discern a basis for federal jurisdiction or Plaintiff's cause of action, and stating that if Plaintiff is challenging a mortgage foreclosure judgment, it is well-settled that the *Rooker-Feldman* doctrine bars a plaintiff from attacking state-court judgments. *Taylor v. Fed. Nat'l Mortgage Ass'n*, 374 F.3d 529, 532 (7th Cir. 2004). [10] at 2. Plaintiff has now filed an amended complaint with numerous exhibits that has the same deficiencies. [11].

Plaintiff asserts that “the case involves two contracts or two default judgments between two opposing parties, being Caliber Home Loans, Inc. and Ali Rashad Muhammad Express Trust,” concerning the right of possession of real property. [11] ¶ 1. Plaintiff then makes allegations that are difficult to follow asserting that Judge Sullivan and the clerk of the Circuit Court received bonds with Plaintiff’s tradename/trademark attached and failed to return them or give him credit for their use. [11] at ¶¶ 2-3. He then complains that although he sent letters complaining of the taking of his private property, Chief Judge Evans and others did nothing to help him. *Id.* ¶ 8.

Plaintiff then complains that Drescher, counsel for Caliber Home Loans, Inc. during the state court foreclosure involving Plaintiff’s property, is seeking to evict him. [11] ¶ 14. He names state court judges as defendants who he alleges are employed by investment firms and banks. *Id.* ¶ 18. Judge Flores is currently presiding over his eviction proceeding. *Id.* ¶ 13.

Plaintiff has attached documents related to copyright and trademark, filings to the American Bar Association, financial statements, and a list of New Residential Corp. Subsidiaries, among other documents. [11] at 18-81; [12]-[26].

He recently filed an emergency motion reporting that “the defendant has had the Cook County Sheriff Dept. to execute an order of eviction.” [29] at 2. He indicates that he will be left with no suitable housing, his two dogs will be taken to an animal shelter, and he requests the Court “to return possession of said property to him.” *Id.*

After a thorough review of the amended complaint and the multiple attachments, the Court finds that 28 U.S.C. § 1915(e)(2)(B), requires dismissal of the action. The Court is required to dismiss (1) “frivolous” claims, § 1915(e)(2)(B)(i), *see Vey v. Clinton*, 520 U.S. 937, 937 (1997); (2) complaints that fail to state a claim, § 1915(e)(2)(B)(ii), *Jaros v. IDOC*, 684 F.3d 667, 669 n.1 (7th Cir. 2012); *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999); and (3) complaints that seek monetary damages against a defendant who is immune from such damages, § 1915(e)(2)(B)(iii).

Here, Plaintiff’s amended complaint (1) fails to state a claim, (2) has frivolous claims and names several defendants who are incapable of being sued,¹ and (3) fails to provide facts to support this Court’s jurisdiction. As previously stated, it is well established that *Rooker-Feldman* bars federal review when a party seeks to vacate a state court judgment. *Taylor*, 374 F.3d at 532. The Court has the authority to dismiss transparently defective suits spontaneously and exercises that authority here. *See also Hoskins v. Poelstra*, 320 F.3d 761 (7th Cir. 2003) (“District judges have ample authority to dismiss frivolous or transparently defective suits spontaneously, and

¹ To the extent Plaintiff is attempting to name state court judges, it is well established that judicial immunity extends to acts performed by a judge in their judicial capacity. *See Dawson v. Newman*, 419 F.3d 656, 661 (7th Cir. 2005).

thus save everyone time and legal expense.”). As the Court previously gave Plaintiff an opportunity to amend his complaint to satisfy Rule 8’s pleading requirements and he failed to do so, the Court dismisses the case.

CONCLUSION

For the reasons stated herein, Plaintiff’s amended complaint is dismissed [11]. Plaintiff’s emergency motion [29] is denied as moot. Civil case terminated.

E N T E R:

Dated: April 4, 2024

A handwritten signature in cursive script, reading "Mary M. Rowland". The signature is written in dark ink and is positioned above a horizontal line.

MARY M. ROWLAND
United States District Judge