ORIGINAL

Case No. 24-7388

IN THE

SUPREME COURT OF THE UNITED STATES

ADEOYE O. ADEBOWALE, PETITIONER

vs.

(1). CITY OF CHICAGO, et al.

(2) U.S. DISTRICT COURT for the Northern District of Illinois, Eastern Division (re: Judge Joan H. Lefkow), RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Adeoye O. Adebowale (Pro Se)
2605 S. Indiana Ave., #1205,
Chicago, Illinois, 60616.
Tel. (312) 505 9269

QUESTION(S) PRESENTED

Given that the documentary evidence in this case appears to *indisputably confirm* that the said Criminal Arrest Record appears to have been fabricated and corruptly imposed on the Petitioner by the named Defendant Chicago Police Officers, acting in *collusion* and *collaboration* with *as-yet-unknown* U.S. Immigration & Customs and Enforcement Officers; AND Petitioner's ***two Arrests*** were predicated on the ***contemporaneously prepared*** CPD Police Incident Report #: HP451203 dated July 14th, 2008 (see APPENDIX D) where the alleged Complainant asserted that her attacker was "a WHITE MALE", when in fact the Petitioner is a "BLACK AFRICAN MALE": ***a fact that prompted District Judge John Z. Lee*** *(as was then known) to state in his Opinion dated 09/09/2022:* ***"How Mr. Adebowale became a suspect is the crux of this case"***, AND President Trump's Administration's *avowed policy* of *Mass Deportation of Immigrants with Criminal Records*, AND that this resulted in the Petitioner now being branded a "Criminal Alien", *without being given any* ***"opportunity at some time to be heard"*** [*on the merits*]. see *A.A.R.P., v. TRUMP*, 605 U.S.__(2025), where the Supreme Court *squarely held* that "Procedural due process rules are meant to protect against ***'the mistaken or unjustified deprivation of life, liberty, or property'"***, AND that, in effect, deportable from the U.S. without *"even a gossamer thread of Due Process"* (Per Patricia A. Millett, Circuit Judge, U.S. Court of Appeals for the District of Columbia, NYT 3.28.2025 at p.A18). See also *Trump v. J.G.G.*, 604 U.S._, _2025). Against this backdrop and context:

(1). Was it improper for the Court of Appeals 7th Circuit to have undertaken an outlier (*even a pariah*) interpretation of the 'Final Order' (28 U.S.C. s. 1291) provisions, which CONFLICTS with *all the other Sister Circuits Courts of Appeal* by giving *short-shrift* to the threshold question of whether there was in fact and in law a 'Final Order' in this case before leaping onto consideration of the "time limit" to appeal what appears to be ***a non-existent*** 'Final Order', in order to achieve the *improper objective* of depriving the Petitioner his *constitutionally guaranteed* Due Process *rights*?; and

(2). Was it improper for the Court of Appeals to refuse or even consider the Petitioner's requested Mandamus Order (finding that it lacked jurisdiction), given District Judge Joan H. Lefkow's repeated willful defiance and misrepresentation of the law-Rule 60(a) of the Federal Rules of Civil Procedure-even after had explicitly acknowledged in his Order dated 01/11/2024 that the requisite leave of the Court of Appeals was required in this case?

LIST OF PARTIES AND RELATED CASES.

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:

ADEOYE ORIADE ADEBOWALE, PETITIONER

vs.

(1). CITY OF CHICAGO, et al. RESPONDENTS

(2) U.S. DISTRICT COURT for the Northern District of Illinois, Eastern Division (re: Judge Joan H. Lefkow);

Present and Former Chicago Police Officers:)

(3). DETECTIVE DWAYNE C. DAVIS, STAR No. 21075)

(4). DETECTIVE JORGE (GEORGE) GONZALES, STAR NO. 2040)

(5). OFFICER J. HOWARD, STAR No. unknown)

(6). OFFICER VERMILLION, STAR No. unknown)

(7). OFFICER AVIS JAMISON, STAR No. 9772)

(8). SERGEANT JEFFREY E. HUGHES, STAR No. 1330)

(9). ATTORNEY RAJEEV K. BAJAJ

(10) AS YET UNKNOWN SUPERVISORS OF DEFENDANTS' OFFICERS)

(11). DOES 1-50 INCLUSIVE), RESPONDENTS

RELATED CASES:

There are presently no related cases pending presently in any court in this case.

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The 5th Amendmentof the U.S. Constitution.

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays this Court that a Writ of Certiorari issue to review the judgment the judgment below.

OPINIONS BELOW.

The Opinion of the United States Court of Appeals dated October 21st, 2024, appears at **Appendix A** to this Petition, and is unpublished, to the best of my knowledge.

The Opinion of the United States District Court dated March 23rd, 2023; August 31st, 2023 and July 9th, 2024 are all sequentially and chronologically arranged by the earliest date of March 23rd, 2023, and appears at **Appendix C** to this Petition. And they are all unpublished, to the best of my knowledge.

JURISDICTION

Because this case arose from **Federal Court** (i.e. the United States Court of Appeals For the 7th Circuit):

The date on which the United States Court of Appeals decided my case was OCTOBER 21st, 2024.

A *timely petition* for Rehearing en banc was denied by the Court of Appeals on DECEMBER 30th, 2024, and a Copy of the Order denying Rehearing appears at Appendix B.

Petitioner then filed *a timely* Petition For Certiorari with this Court on or about March 30th, 2025, and the Clerk's Office by a Letter dated April 4th, 2025 GRANTED an extension of time for 60 days until June 3rd, 2025.

The jurisdiction of this Court is invoked under 28 U.S.C. s. 1254(1) and the provisions of the All Writs Act s. 1651.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

The **4th Amendment** of the U.S. Constitution provides (in pertinent part):

> "The right of the people *to be secure in their persons*, houses and papers, and effects, against *unreasonable searches* and *seizures*, shall not be violated, and no Warrants shall issue, but *upon probable cause, supported by Oath or affirmation*, and particularly describing the place to be searched, and *the persons* or things *to be seized*".

The **5th Amendment** of the U.S. Constitution **Due Process of Law** (in pertinent part):

> "The Fifth Amendment ensures that individuals cannot be deprived of life, liberty, or property *without due process of law"*
>
> Due Process requires *fair legal procedures* and protections to ensure that *individuals are treated fairly*".

28 U.S.C. s. 1291 states, in pertinent part:

> "The courts of appeals (other than the United States Courts of Appeals For the Federal Circuit) shall have jurisdiction of appeals from all **final decisions** of the district courts of the United States....."

The All Writs Act s.1651(a) of Title 28 U.S. C. states, in pertinent part, that:

> "The **Supreme Court** and all courts established by Act of Congress may issue all writs *necessary or appropriate in aid of their respective jurisdictions* and agreeable to the usages and principles of law."

Rule 60(a) of the Federal Rules of Civil Procedure: CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMMISSIONS, states, in pertinent part:

"The Court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. *But after an appeal is docketed in the appellate court and while it is pending*, such a mistake may be *corrected only* with the appellate court's leave".

Rule 60(b): GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING, the pertinent part states that:

> (1). "On a Motion and just terms, the Court *may relieve a party* or its legal representative *from a final judgment*, order, or proceeding for the following reasons:
>
> (1). mistake, inadvertence, surprise, or excusable neglect;...."

STATEMENT OF THE CASE

In 2020, Petitioner brought this deprivation of his Civil Rights lawsuit under *Title 42 U.S.C. s.1983* for False Arrest, False Imprisonment in a Police Station cell for more than 28 hours (without being given food or water) and for the forceful & unconstitutional taking of Petitioner's DNA on the next day of his unlawful Arrest & Imprisonment (i.e. October 10, 2018) after Petitioner's will and resistance (due to his debilitating *medically-diagnosed* ill-health of Acute Hypertension or High Blood Pressure & Enlarged Prostate) had been wilted down by Chicago Police Detective Officer, Dwayne C. Davis, Star #: 21075, who had told the Plaintiff/Petitioner that he "directed" the Arresting CPD Officers to arrest the Plaintiff at his home, and that he was "in charge" of the case. See "List of Parties" in this Petition.

On October, 9th 2018, Petitioner was unlawfully arrested & imprisoned (without Probable Cause or Arrest Warrant) at his home/Apartment Building in Chicago, Illinois. He was then taken to Chicago Police Station, District #2, where was promptly handed over to CPD Detective Officer Dywane Davis Star #: 21075... told him that *"I know all about you"*; then *admitted* when Plaintiff/Petitioner asked him pointedly & repeatedly the basis for his arrest that he had based his Arrest Decision of the Petitioner was predicated on Chicago Police Incident Report #: HP451203 dated July 14th, 2008 (ten years earlier), and that he had "directed" the Arresting CPD Officers, Officer Howard (Star # unknown) & another CPD Police Officer to arrest him at his home. Importantly, CPD Detective Officer Dywane Davis sternly told the Petitioner, whilst looking menacingly into his eyes that "And I would NOT release or let go of you until I have taken your DNA". Petitioner then asked CPD Detective Officer Dwayne Davis if he could show him the *said CPD Incident Report #: HP451203*, because he was flabbergasted that he was being arrested (again for the 3rd time for the SAME alleged Offence/CPD Incident Report #: HP451203) after *a lengthy ten years period* had passed. CPD Detective Officer Dwayne C. Davis (Star #: 21075) sternly refused.

Strangely, on or about September 9th, 2018, Chicago Police Sergeant Jeffrey E. Hughes (Star #: 1330) had also "directed" Plaintiff's arrest at his place of work, taken to the Police Station, and detained for about 3-4 hours on the basis of the SAME of the said *Chicago Police Incident Report #: HP451203 dated July 14th, 2008.* But was then subsequently released, because CPD Sgt. Hughes (Star #: 1330) told the Plaintiff/Petitioner that he had contacted the CPD Police Detectives & Officers that had investigated in 2008 the alleged offence in the said CPD Police Incident Report #: HP451203, and that he was told that Plaintiff/Petitioner was never arrested nor charged because they (i.e. CPD Investigating Police Detectives) had found "no evidence to support" the alleged offence against the Plaintiff. Sgt. Hughes (Star#: 1330) also told the Plaintiff/Petitioner that he had also contacted the "Cook County States' Attorney Office", the prosecuting authorities for Chicago,

Illinois, and that he had told that they too did not charge the Plaintiff/Petitioner in 2008 because they "found no evidence" to support the allegations or to charge the case. And that, in any case, the Cook County States' Attorney's Office told him (Sgt. Hughes, Star#: 1330) that the "Statute of Limitations" of ten years under Illinois Criminal Statute for the alleged offence of criminal sexual assault "had expired" by September 9th, 2018-the date Sgt. Hughes had arrested the Plaintiff/Petitioner.

Furthermore, on or about September 7th, 2008, Chicago Police Detective Officer, Jorge (George) Gonzales (Star #: 2040), accompanied by Six burly-built U.S. Immigration & Customs Enforcement Officers had visited at about 5AM CDT the Plaintiff/Petitioner's home address at 1140 N. LaSalle Street, Chicago, where he resided then, and forcefully entered his Apt. #: 528 in order to arrest him for the SAME alleged offence in the said Chicago Police Incident Report #: HP451203 dated July 14th, 2008. However, Plaintiff was not at home at that time, but the Doorman/Caretaker of the Apartment told him that the said CPD and I.C.E. Officers first visited his Desk downstairs to peruse the "Tenant's List", that they "laughed" at my name because it was foreign, and that they then proceeded to my Apt. #528 upstairs. He said he followed them upstairs, as well. Because Petitioner felt *a very strong urging* that he was being "set-up" and "framed" *for an offence that he did not commit*, so that he can be labeled a Criminal Alien, and deported. After contacting a Chicago Defense Attorney, he subsequently filed a Civil Rights violation lawsuit in 2009 against Chicago Police Detective Officer, Jorge (George) Gonzales (Star #: 2040) & other CPD Officers and The City of Chicago. See case.....

Indeed, to this date (May 30th, 2025), almost 18 YEARS after the date of July 14th, 2008, when the *contemporaneously prepared* CPD Incident Report #: HP451203 stated that the alleged offence occurred, NEITHER CPD Detective Police Officer, Dwayne Davis nor any of the named Defendants or The City of Chicago or their Litigation Attorneys has ever shown nor served on the Petitioner an UNREDACTED COPY of the said CPD Incident Report #: HP451203 for the Petitioner to peruse. The ONLY COPY of the said CPD Incident Report #HP451203 that Petitioner has *ever managed to obtain* was through his FOIA (Freedom of Information Request), and it is HEAVILY REDACTED. A copy the said FOIA obtained CPD Police Incident Report #: HP451203 is attached at APPENDIX E. Importantly, it is instructive to note that ***the date the alleged*** *"criminal sexual assault"* occurred AND the alleged offence of "criminal sexual assault" morphed into *"Criminal Sexual Abuse, with Force"*. These changes that appeared in the Illinois State Police Report appears to have been unlawfully carried out by the named Defendant CPD Detectives & Police Officers from July 14th, 2008 to July 14, 2018-ten years later in order to evade the ten years statute of limitations prescribed for the alleged offence under the relevant Illinois Criminal Law Statute; AND that

In effect, Petitioner **does not even know** (and left to mentally agonize guessing) the identity of his Accuser/alleged Complainant or her NAME , ADDRESS or PHONE NUMBER to this date-May 30th, 2025-**almost 18 years after** the alleged date of the offence of **July 14th, 2008**. This is so not withstanding that the **Rule 26(1)** of the *Federal Civil Procedure* emphatically stated that such information relating to an alleged Complainant/Accuser **"must be provided"** by the named Defendant CPD Police Officers/The City of Chicago and/or **their Litigation Attorneys of record** to the Accused/Petitioner-without even the Accuser having to request it.

The practical effect of this **debilitatingly hamstrung** scenario is that Petitioner does not even have the **requisite basic information** to **engage in the most rudimentary stage of the Discovery Process** required for his **constitutionally guaranteed Defense** *of his case or himself*. For example, Petitioner has not even been provided nor served the requisite NAME, ADDRESS and/or PHONE NUMBER of the alleged Complainant in order to obtain a SUBPOENA of the alleged Complainant to Court and clarify or testify under Oath and penalty of perjury as to the exact description of her alleged attacker, which would have **quickly and at a very early stage of this case eliminated** the Petitioner "as possible suspect"- as alluded to by U.S. District Judge John Z. Lee in his Order & Opinion dated 09/09/2022, where Judge Lee stated incredulously ***"How Mr. Adebowale became a possible suspect [to the named Defendant Police Officers] is the crux of this case***". That course of action is vitally needed because the alleged Complainant had described her attacker/suspect in the *contemporaneously prepared* CPD Incident Report #: HP451203 as "a WHITE MALE", and the Petitioner is in fact a "BLACK AFRICAN MALE", with a distinct "African accent", to boot! See ***Wyatt v. Cole*** et al 504 U.S. 158 (1992), holding that: *"A Plaintiff can* ***show lack of probable cause*** *either by showing that the actual facts did not amount to probable cause (an objective inquiry) or by showing that the defendant lacked a sincere belief that probable cause existed (a subjective inquiry)".* In the case at bar, the "actual facts" supported by the said contemporaneously prepared CPD Incident Report #: HP451203 indisputably confirm that the named Defendants Chicago Police Detectives and Officers clearly lacked probable cause. Because it is **not reasonable**, under any circumstances, **to arrest twice** *over a period of ten years* "a Black African Male"-the Plaintiff/Petitioner-when the alleged Complainant had described her attacker as "a WHITE MALE" in the *contemporaneously prepared (no less)* CPD Incident Report #: HP451203!

Against this **very troubling** backdrop, on March 23rd, 2023, District Judge Joan H. Lefkow, proceeded amazingly, to **dismiss** this case **"for want of prosecution"**.

District Judge Lefkow dismissal decision this case despite the fact that she was aware that Plaintiff/Petitioner had filed **Motions in Opposition** (supported with **uncontested** documentary evidence) to Magistrate, Berth Jantz's Report & Recommendation for dismissal *for want of prosecution, and Plaintiff/Petitioner had requested for an "Evidentiary Hearing" to be conducted* by Judge Lefkow to look into his uncontested allegation, supported by irrefutable documentary evidence *that named Defendant*, City of Chicago's Litigation Attorney of record, Emily Bammel, **had refused** (*and continue to refuse*) to provide the Plaintiff/Petitioner with the alleged Complainant's requisite basic information (which Rule 26 FED. Civ. P. mandated) that he had requested from Attorney Bammel **in writing by email**, and that Plaintiff/Petitioner was being hamstrung from conducting basic Discovery request. See U.S. District Court Docket Nos. 103 & 94. However, District Judge Lefkow **pointedly ignored** them. Importantly, Judge Lefkow did not even mention, at all, in her dismissal decision for want of prosecution Plaintiff's uncontested documentary evidence, which **convincingly undermined** her repeated assertion that Plaintiff did not take part in any discovery. This case can be analogized (because it stands in stack contrast to District Court Judge Lefkow's ***disingenuous*** assertion) to *A.A.R.P. et al. v. Trump, 605 U.S. ___2025, where the Supreme Court* squarely stated what the **Due Process Clause** of the U.S. Constitution ***substantively*** *means: "In order to actually seek habeas relief, a detainee must have sufficient time* ***and information to reasonably*** *be able to contact counsel, file a Petition, and* ***pursue appropriate relief".*** In the case at bar, the Supreme Court is clearly saying "how can the Petitioner/Plaintiff **pursue** the "appropriate relief" of the Discovery Process, when *he is denied the most basic information* about the alleged Complainant that is needed to conduct the defense of himself and case???

On April 24th, 2023, District Judge Lefkow gave an Order & Opinion on the issue of the "remaining parties" in this case.

On August 31st, 2023, District Judge Lefkow gave an Order & Opinion that "amended" (for mistake and/or omission) his previous Orders & Opinions dated 03/23/2023 and 04/24/2003. Crucially however, District Judge Lefkow pointedly **repeatedly refused** and willfully defied the law (including engaging in **doubling down** on misrepresenting true meaning Rule 60(a) and vehemently refusing (wrongly) to obtain the requisite LEAVE from the Court of Appeals, as required under Rule 60(a) of the Federal Rules of Civil Procedure, as the Plaintiff/Petitioner had a pending appeal during that time.

On July 9, 2023, District Judge Lefkow issued another Order & Opinion, which she finally acknowledged (albeit in gloatingly) that she **knew** all along that she should have obtained the requisite LEAVE from the Court of Appeals for the 7th Circuit. This was because Circuit Judge David F. Hamilton had issued an Order dated January 11, 2024, (more than 6 months earlier) that **explicitly acknowledged**

that LEAVE was required, in accordance, with the law-Rule 60(a) of the Federal Rules of Civil Procedure. Circuit Judge David F. Hamilton then purported to retroactively grant such leave. However, Circuit Judge David F. Hamilton does not appear to the power to grant a retroactive leave in such circumstances because it is settled law that "Federal Courts are courts of limited jurisdiction", and Courts of Appeals only have "appellate jurisdiction", and not "original jurisdiction" as the District Courts.

REASONS FOR GRANTING THE PETITION

I. LEGAL ARGUMENT .

This Court should grant a Writ of Certiorari to the Court of Appeals For the 7th Circuit for the following reasons:

(A) The Panel's Decision & Reasoning Conflicts With A Clearly Established Supreme Court Precedent Because It "Warp[ed] Our Understanding Of Finality Under [28 U.S.C.] 1291." Per Justice Thomas in *Microsoft v. Baker, 137 S. Ct. 1702 (2017);* And It Constituted An Outlier (Even Pariah) Interpretation of the Final Order Rule Because It Conflicts With Every Other Sister Circuit Court of Appeals' Decision On 'Final Order' Issue.

The Panel's decision and its analysis as to why it lacks jurisdiction under without first considering the threshold issue of whether the District Court's amended Order dated October 31, 2023 constituted a 'Final Order' in the first place is *fatally flawed.* This is because it conflicts with, and radically deviated from *a clearly established* United States Supreme Court precedent *on the issue of "Final Orders" under 28 U.S.C. s. 1291). See Catlin v. United Sates, 324 U.S. 229, 233 (1945) (holding that a Final Judgment is a decision by the district court that "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment."). See also, Microsoft v. Baker, 137 S. Ct. 1702 (2017).*

This is because the *jurisdictional bar* under FRAP 4 that requires a Notice of Appeal in a civil case be filed in the Court of Appeals within 30 days *after* the entry of judgment in the District Court presupposes that the District Court's Order being appealed qualifies as a "Final Order" under the provisions of 28 U.S.C. s.1291. Rather than for the Panel to consider, as a threshold issue *whether* the District Court Judge Joan Lefkow's purported amended Order dated October 31, 2023, constituted a "Final Order", as Congressionally mandated and adumbrated within the provisions of 28 U.S. C. s. 1291, the Panel decided to adopt an

unprecedented approach to frog-leap, as it were, straight to the issue of the time limit to appeal under FRAP 4. It is respectfully submitted that, were the Panel's decision allowed to stand, it would constitute *an end run* to the provisions of 28 U.S.C. s.1291. And circumvent, thwart and evade Congressional mandate.
For context (though the issue at stake was different), see *Trump v. Thompson, 142 S.Ct. 680, 680 (2022)*(holding that "the Constitution does not tolerate such ready evasion; it deals with substance, not shadows). The lower court of appeals panel's decision in this case appears to constitute such "shadows", and not "substance" "Final Order" issue under 28 U.S.C. s.1291.

Because the Panel's decision constituted such *an unprecedented, radical deviation, and* an outlier interpretation diametrically opposed to *clearly established Supreme Court precedents* and every Circuit Court of Appeals in the United States (including the 7th Circuit of Appeals' precedents, as shown below) that has ever considered this "Final Order" issue, this Court should grant Certiorari because it is *necessary to secure* and maintain uniformity and integrity *of this Court's decisions*. And that of the other Sister Courts of Appeals.
acknowledgment that the said District Court's Order dated 10.31.2023 did not constitute a "Final Order" (without the purported grant of "retroactive leave" *was purportedly granted*), as adumbrated in *Catlin v. United Sates, 324 U.S. 229, 233 (1945) because the said District Court's Order of 10.31. 2023 still "leaves" **something** "for the court to do but execute the judgment."*

Similarly, other Courts of Appeals have held that a designation of a judgment as "final" at the District Court level does not necessarily render it so. See *In re Air Crash at Belle Harbor, New York on Nov. 12, 2001, 490 F.3d 99 (2nd Cir. 2007); Franklin v. District of Columbia, 163 F.3d 625, 630 (D.C. 1998)(holding that "when appellate jurisdiction is at stake, what matters is the appellate court's assessment of finality, not the District Court's or Clerk's. A non-final order cannot be appealed even if the District Court designates it a 'final judgment' and the Clerk of the Court*

enters it as such on the civil docket." See generally: *"Federal Jurisdiction And Procedure", Harvard Law Review, Vol. 131:323*

(B) . The Panel's Decision Conflicts With Clearly Established Precedents Of Its Own Court & Crucially, "The Law Of This Case".

The Panel's Decision conflicts with the clear throughline of its own precedents. This Court is respectfully asked to take judicial notice of established and settled precedents that when appellate jurisdiction is at issue the Court considers, as a "threshold issue" whether a District Court's decision that is being appealed to its own 7th Circuit constituted a "Final Order" within the meaning of 28 U.S.C. s.1291-as Congressional mandated. To side-step that "threshold issue", as here, the Panel's Decision conflicts with, and constituted a radical deviation from its own settled and established precedents. Indeed, the lower court's panel reasoning and analysis in this case constituted a radical deviation from the *reasoning and analysis* adopted in its own Order dated May 27, 2023; *Case #: 23-1772,* which *dismissed* the Appellant's appeal case on the basis that it was filed "prematurely", because it *did not meet the threshold requirement* of being a "Final Order" under 28 U.S.C. s.1291. See *Order dated May 25, 2023; Case No. 23-1772: Per* ***Frank Easterbrook, Illana Rovner & Michael Scudder, Circuit Judges]*** .

Accordingly, the Supreme Court should grant Certiorari in this case in order to secure and maintain uniformity *of this Court's decisions.*

II. ON MANDAMUS REMEDY SOUGHT AGAINST THE DISTRICT COURT/JUDGE JOAN H. LEFKOW.

First, the lower court's panel's decision that it **lacked jurisdiction** to entertain this case on appeal ostensibly because the Petitioner was out the time limit to appears to be wrong. See *Cheney v. U.S. District Court of Columbia*, where the Supreme Court squarely that a sought Mandamus remedy is not subject to the same time limit restriction as a 'Final Order' issue.

Furthermore, the lower court's panel's decision **pointedly failed to consider** whether Appellant's adduced documentary evidence of the District Court/Judge Joan H. Lefkow's ***repeated*** and **continuing willful defiance of the law** (i.e. Rule 60(1)(a) FED. Civ. P.) fulfilled **the statutory criteria** stipulated by *The All Writs Act 28 U.S.C. 1361 & s.1651(a)*, the Supreme Court has squarely held that Mandamus may be appropriately issued to confine an inferior or lower court (as is the case here) to *a lawful exercise of prescribed jurisdiction*, or when there is *a usurpation of judicial power*. See *Schlagenhauf v. Holder*, 379 U.S. 104 (1964). It is respectfully submitted that both requirements of : (a) To confine an inferior or lower court, in this case, the District Court/Judge Lefkow to ***"a lawful exercise of prescribed jurisdiction*** (i.e. FED. Civ. P. R. 60(a) or *when there is a usurpation of judicial power* in the case at hand, the **purported grant of retroactive leave** by Circuit Judge David Evans clearly appears to be "a usurpation" of the **"original jurisdiction"** granted to the District Court/Judge Lefkow *to seek and obtain* the requisite Leave from the Court of Appeals in a case where there is a pending appeal, and the District Judge issues an amended Order/Judgment. See also **Spacil v. Crowe**, 489 F.2d 614 (5th Cir. 1974).

Whilst it is true that Mandamus is an *extraordinary remedy*, which should only be used in *exceptional circumstances* of peculiar emergency or **public importance**, the Supreme Court has **repeatedly been inclined** to issue a Mandamus directed against a lower court or inferior court that has *repeatedly* and ***willfully defied the law*** as is the **reprehensible conduct** of District Court Judge Joan H. Lefkow in the case at hand.

The Panel Decision asserted that Appellant could approach the District Court Judge Joan H. Lefkow *to seek* **"an extension of time"** to appeal her **amended** Order of October 31, 2023. But that option **is foreclosed by** Rule 60 (c) of the Federal Rules of Civil Procedure and the Supreme Court established precedent in *Kemp v. United States,* 857 Fed. Appx. 573 (Decided on 6/13/2022). Accordingly, Petitioner **has no other alternative remedy** to achieve his constitutionally guaranteed Due Process rights "be heard at some time" [on the merits of his case], so that he clear his name

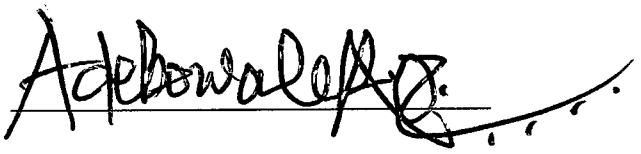
professional reputation as Qualified Lawyer in two jurisdictions-as adumbrated by this Court. see The Japanese Immigrant case, 189 U.S. 86, 101 (1903).

Accordingly, because this case presents issues of *exceptional importance* to the fair administration of justice this Court should grant Certiorari in this case so as not to normalize, and indeed, been seen to providing a legal sanction for a District Court Judge to willfully defy the law.

CONCLUSION.

For the foregoing reasons, this Court should grant Ceriorari in this case to the Court of Appeals for the 7th Circuit.

Respecfully submitted,



Adeoye O. Adebowale (Pro Se)

2605 S. Indiana Ave., #1205,

Chicago, Illinois, 60616.

Tel. (312) 505 9269