

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JANNIE ROBINSON TISDELL,
Applicant,

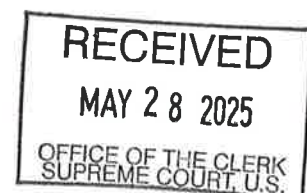
v.

ELIZABETH BYRNE HOGAN ET AL.,
Respondent.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit

**APPLICATION FOR EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI**

Jannie Robinson Tisdell
Applicant Pro Se
5887 Washington Boulevard
St. Louis, MO 63112
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**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR
A WRIT OF CERTIORARI**

TO: Brett M. Kavanaugh, Circuit Justice for the United States Court of Appeals for the Eighth Circuit:

Under this Court's Rules 13.5, 22, 30 Applicant Jannie Robinson Tisdell requests an extension of sixty days to file her petition for a writ of certiorari. The petition will challenge the precedential opinion of the U.S. Court of Appeals for the Eighth Circuit in *Jannie Robinson Tisdell v Elizabeth Byrne Hogan, et al* (24-3054, 8th Cir. 2025). In support of this application, Applicant provides the following information:

1. The Eighth Circuit issued its judgment and opinion on January 30, 2025. App. 1-4. Applicant Jannie Robinson Tisdell filed on February 12, 2025 Petition For Rehearing En Banc Pursuant to 8th Circuit Local Rule 40A(b). App 5-10. The Petition For Rehearing En Banc was denied March 6, 2025 and The Petition For Rehearing By The Panel was also denied March 6, 2025. App 11. Without an extension, the petition for a writ of certiorari would be due June 4, 2025. With the requested sixty-day extension, the petition would be due on August 4, 2025 (60 Days from June 4 is on a Sunday, August 3, making the due date Monday, August 4). This Court's jurisdiction will be based on 28 U.S.C. { 1254(1).

2. This case is a good candidate for review. On September 30, 2024 Jannie filed Amended Civil Complaint with 8th Dist. 4:24-cv-01235JAR (Original Civil Complaint filed 09/11/24) Cause of Action Title 42 USC 1983 Color of Law under Amendment 14, Sect. 1 and Title 11 Rules 1019 and 1007 fraud relief on ground of Bankruptcy Fraud Scheme Discovery as Declaratory Relief unavailable in 22nd Judicial Court, City of St. Louis showing Keisha obtained real property by fraud in connection with bankruptcy case 13-49438 by concealing Jannie and husband,

post-petition known creditors from bankruptcy court and trustee and concealing her bankruptcy filing and discharge from them by failing to complete Sch G ordered by Bankruptcy Judge 10/12/17 to comply with Local Rule 1019 and Title 11, Rules 1019 and 1007 preventing Clerk from giving them, post-petition known creditors holding unexpired residential lease with her as tenant constitutional and statutory notice of her bankruptcy filing/discharge as she amended Sch J 10/09/17 rent from \$735 to \$950 actual \$545 and water-sewer-garbage from \$0 to \$125 actual \$0 to convert defaulted 13 to 7 10/12/17 discharge 01/23/18; renewed lease 01/05/18 rent \$545, water-sewer-garbage \$0; let them put her on deed 12/15/18 (with restriction property cannot be used as collateral 5 years from transfer date 01/02/19) without disclosing her bankruptcy filing and discharge required to be disclosed to them; petitioned for divorce 10/18/21 using that property as collateral which is how Jannie discovered bankruptcy fraud scheme; produced forged Mariner Financing 06/17/22 to get declared marital debt paid to her from Jannie's Equity in real property not addressed by 22nd Judicial Ct that awarded property to her declaring they had no interest on 04/26/23 without joining them to action to adjudicate 3rd parties rights whose interest not represented subjecting property to debt in violation of their 5th in 14th, Sect 1 equal protection of laws; Title 11, Rules 1019 and 1007. App 12-18. Jannie also filed on September 30, 2024 companion document Motion for Emergency Temporary Restraining Order against Keisha Requesting 8th District Ct to Take Judicial Notice of Keisha's Bankruptcy Filings, etc. Supplied to Court by Jannie Pursuant to Rule 201 with Hearing Requested October 7, 2024 to prevent Keisha from benefiting from sale of property and forged loan paid from Jannie's Equity that she obtained by fraud on bankruptcy court, trustee, 22nd Judicial Court, Jannie and husband who are in imminent danger of irreparable harm. App 19-22.

3. On 10/04/24 Eighth District Court dismissed Jannie's Complaint citing Judge Bird's Void Judgment; Lack of Subject Matter Jurisdiction under Domestic Relations and Rooker-Feldman Doctrine; 12(b)(6) Failure to State Claim for Relief under (Judicial Immunity/State Comity/Private Person Not State Actor). App. 23-29. Jannie contends all inapplicable to her complaint because she sought Declaratory *Prospective* Relief *not* money damages since Declaratory Relief was unavailable to her in 22nd Judicial Court, City of St. Louis on Judge Bird's final order and judgment void at inception "nullity" without legal force or effect by not joining Jannie and husband to divorce action then declaring they had no remaining interest in subject of action in a manner inconsistent with due process. *Provident Bank v Patterson*, 390 U.S. 102 (1968). Also Jannie not required to "exhaust" all state remedies before she can bring 42 USC 1983 claim in district court. *Patsy v Board of Regents of State of Florida*, 457 U.S. 496 (1982). Domestic Relations' diversity exception prevents losing spouse from running to another state to undue judgment in prior state at expense of spouse holding valid judgment. *Akenbrandt v Richards*, 504 U.S. 689 (1992). Rooker-Feldman Doctrine does not apply to non-parties. *Lance v Dennis*, 546 U.S. 459 (2006). Congress "meant to give a remedy to parties deprived of constitutional rights-privileges-immunities by an official's abuse of his position" under Section 1983. *Monroe v Pape*, 365 U.S. 167 (1961). State Comity commands district courts from hearing federal plaintiff's complaint who is also defendant in pending state court proceeding out of respect for states. *Young v Harris*, 401 U.S. 37 (1971). Keisha, a Private Person can be sued as State Actor under section 1983 when she is a willing participant in concert with MO Judges to deprive a person of due process rights and equal protection of laws. *Dennis v Sparks*, 449, U.S. 24 (1980).

Jannie presented and Requested 8th District Court to Take Judicial Notice Rule 201 Evidence in her Amended Complaint supplying Court with Keisha's Unexpired Residential Leases (01/01/17-12/31/17; 01/01/18-12/31/18); Fraud in Amend. Sch J, Form 106 DEC, Amend. Creditors' Matrix, Rule 1019 Schedule of Post Petition Debts, etc. in violation of Bankruptcy 8th Dist. Mo E. Local Rule 1019, Title 11 Rules 1019 and 1007 and Jannie and husband's 5th due process mandating Keisha to give them, post-petition known creditors constitutional and statutory notice of her bankruptcy filing and discharge before their property rights can be taken from them that 8th District Court did not consider. Hanover National Bank v Moyses, 186 U.S. 181 (1902). Notice must be "reasonably calculated" to inform known parties, affected by the proceedings. Mullane v Central Hanover Bank & Trust Co., 339 U.S. 306 (1950).

4. On October 7, 2025 Jannie filed Notice of Appeal from dismissal of her Amended Complaint filed September 30, 2024 for failure to state a claim for which relief can be granted and lack of subject matter federal constitutional jurisdiction is patently meritless, entered by 8th District Court on October 4, 2024. App. 29-31.

5. Appeals 8th Circuit affirmed 8th District Court's dismissal of Jannie's Amended Complaint (without Taking Judicial Notice Requested Rule 201 and supplied of Keisha's Fraud on Bankruptcy Court, Trustee, Jannie and husband not addressed in 22nd Judicial Court's findings of fact and conclusions of law) for failure to state a claim in conflict with decisions of other 8th Circuit decisions to which the petition is addressed, other U S Circuits, Supreme Court opinions and in a manner inconsistent with due process rights and equal protections of law. This is why it is of National Importance for Court to address judgment. App.1-10.

6. The extension request is for good cause shown as Applicant impacted by Tornado on May 16, 2025 that left its devastation on St. Louis City where Jannie's home sustained damage (not nearly to degree of others) that include total loss of Applicant's family members' home of decades and community where Jannie grew up and is now donating time and resources to help with recovery. For these reasons, Applicant requests that the due date for her petition for a writ of certiorari be extended to August 4, 2025.

Signature Date: May 23, 2025

Respectfully submitted,


Jannie Robinson Tisdell
Applicant Pro Se

5887 Washington Boulevard
St. Louis, MO 63112
314-517-8228
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No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

APPENDIX

Application For Extension of Time To
File Application For A writ of Certiorari
(U. S. Court of Appeals 8th Cir. No. 24-3054)

U. S. Court of Appeals 8th Cir. Judgment and Opinion on January 30, 2025.....App 1-4

Applicant Jannie's Petition For Rehearing En Banc on February 12, 2025.....App 5-10

U.S. Court of Appeals 8th Cir. Order denying Applicant Jannie's Petition For Rehearing
En Banc and also denying Petition For Rehearing by The Panel on March 6, 2025.....App 11

Applicant Jannie's Amended Complaint Filed in 8th District Court
(Case No. 4:24-cv-01235JAR) on September 30, 2024.....App 12-18

Applicant Jannie's Emergency Temporary Restraining Order Request Against Keisha
Filed in 8th District Court (Case No. 4:24-cv-01235JAR) on September 30, 2024.....App 19-22

U.S. District Court 8th District Memorandum and Order Dismissing Applicant
Jannie's Amended Complaint (Case No. 4:24-cv-01235JAR) on October 4, 2024.....App 23-29

Applicant Jannie's Notice of Appeal to U. S. Court of Appeals for Eighth District Court
Dismissal of Amended Civil Complaint Cause of Action section 1983 Color of
State Law; U. S. Constitutional Amendment 14, Section 1 and Title 11, Bankruptcy
Rules 1019 and 1007 (Case No. 4:24-cv-01235JAR) on October 7, 2024.....App 30-31

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 24-3054

Jannie Robinson Tisdell

Plaintiff - Appellant

v.

Elizabeth Byrne Hogan, Presiding Judge; Joseph P. White, Assistant Presiding Judge; Keisha N. Robinson

Defendants - Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:24-cv-01235-JAR)

JUDGMENT

Before LOKEN, KELLY, and ERICKSON, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

January 30, 2025

Order Entered in Accordance with Opinion:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik

App I

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Maureen W. Gornik
Acting Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

January 30, 2025

Jannie Robinson Tisdell
5887 Washington Boulevard
Saint Louis, MO 63112

RE: 24-3054 Jannie Robinson Tisdell v. Elizabeth Bryne Hogan, et al

Dear Jannie:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion.

Please review Federal Rules of Appellate Procedure and the Eighth Circuit Rules on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 14 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. Except as provided by Rule 25(a)(2)(iii) of the Federal Rules of Appellate Procedure, no grace period for mailing is allowed. Any petition for rehearing or petition for rehearing en banc which is not received within the 14-day period for filing permitted by FRAP 40 may be denied as untimely.

Maureen W. Gornik
Acting Clerk of Court

HAG

Enclosure(s)

cc: Clerk, U.S. District Court, Eastern District of Missouri
Honorable John A. Ross

District Court/Agency Case Number(s): 4:24-cv-01235-JAR

App 2

United States Court of Appeals
For the Eighth Circuit

No. 24-3054

Jannie Robinson Tisdell

Plaintiff - Appellant

v.

Elizabeth Byrne Hogan, Presiding Judge; Joseph P. White, Assistant Presiding
Judge; Keisha N. Robinson

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: January 27, 2025
Filed: January 30, 2025
[Unpublished]

Before LOKEN, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

App 3

Missouri resident Jannie Tisdell appeals following the district court's¹ dismissal of her civil rights action. After careful consideration of the record and the arguments on appeal, we conclude that the district court properly dismissed the action for failure to state a claim. See Vigeant v. Meek, 953 F.3d 1022, 1024 (8th Cir. 2020) (standard of review). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.

No. 24-3054

United States Court of Appeals for the Eighth Circuit

Jannie Robinson Tisdell

Plaintiff – Appellant

vs.

Elizabeth Byrne Hogan, Presiding Judge; Joseph P. Whyte,
Assistant Presiding Judge; and Keisha N. Robinson

Defendants – Appellees

On appeal from U.S. District Court for the Eastern District of
Missouri; 4:24-cv-01235JAR, The Honorable John A. Ross,
United States District Court Judge

PLAINTIFF-APPELLANT'S PETITION FOR REHEARING EN BANC

PURSUANT TO U.S. COURT OF APPEALS 8TH CIRCUIT LOCAL
RULE 40A(b). EVERY PETITION FOR REHEARING EN BANC,
HOWEVER, WILL AUTOMATICALLY BE DEEMED TO INCLUDE A
PETITION FOR REHEARING BY THE PANEL.

Jannie Robinson Tisdell, Plaintiff-Appellant, Pro Se
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cell: 314-517-8228; email: rtservices@att.net

1

App 5

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FEB 12 2025
U.S. COURT OF APPEALS
EIGHTH CIRCUIT

Petition for Rehearing En Banc

Pursuant to FRAP 40(b)(2)(A)-(B) Criteria; and
U.S. Court of Appeals 8th Circuit Local Rule 40A(b):

(2)(A) The Panel Decision conflicts with a decision of the court to which the petition is addressed (In **re Hairopoulos**, **118 F.3d 1240, 1244**, 8th Circuit 1997; **Murphy v State of Arkansas**, **8th Circuit** 1997); **Dahlin v Lyondell Chem. Co.**, **881 F.3d 599**, 8th Circuit 2018; and **Justice Network Inc. v Craighead County**, **No. 17-3770**, 8th Cir. 2019) and the full court's determination is therefore necessary to secure or maintain uniformity of the court's decision:

In **re Hairopoulos**, the 8th Circuit (1997) ruled both statutory and constitutional implications arise when a creditor fails to receive adequate notice of the bankruptcy proceedings. 11 U.S.C. { 342(a) provides that “there shall be given such notice as is appropriate.... of an order for relief in a case under this title.” Rule 2002 of the Federal Rules of Bankruptcy Procedure further specifies that the clerk of the bankruptcy court shall give notice to *all* creditors of, inter alia, a *conversion* to another chapter, the creditors' meeting, the claims bar date, the time for modification of a plan and for objections to confirmation, and the confirmation order. The burden of establishing that a creditor has received appropriate notice rests with the debtor.

In **Murphy v State of Arkansas**, 8th Circuit (1997) ruled no immunity under the 11th Amendment to state officials for violating equal protection rights.

In **Dahlin v Lyondell Chem, Co.** the 8th Circuit (2018) ruled the level of notice that satisfies 5th due process rights and equal protection of laws depends on whether the creditor is known or unknown; known creditors must be given actual written notice of the debtor's bankruptcy filing and bar claims date before their claims can be dismissed. Known creditors are those who are either known to the debtor or whose identity is “reasonable ascertainable” through “reasonably diligent efforts.” AND

In **Justice Network Inc. v Craighead County** the 8th Circuit (2019) stated..... Currently most courts hold that the amendment to { 1983 does not bar declaratory relief against judges. (“The doctrine of judicial immunity also does not *shield* judges from claims for *prospective* declaratory relief”). The Court considered the question of whether plaintiff is entitled to declaratory relief post-Pulliam & Congress's amendment to {1983 and ruled declaratory relief is limited to *prospective* declaratory relief. (“The 1996 amendment to { 1983 would limit the relief available to plaintiffs to declaratory relief.”)

The Panel Decision affirming U.S. District Court dismissal of Jannie's claim for **Prospective Declaratory Relief** against Mo Judges and debtor Keisha (a state actor) on grounds of discovering Keisha's Bankruptcy Fraud Scheme evidencing Keisha obtained real property by actual fraud in connection with bankruptcy case **13-49438** by concealing bankruptcy filing from Jannie (a known creditor) who had an unexpired residential lease with Keisha as tenant before Keisha *converted* 13 to 7; and concealing Jannie (post-petition) creditor from Bankruptcy Court and Trustee by failing to: (i) show Jannie as post-petition creditor on Matrix Mailing; (ii) Rule 1019 Schedule of Post-Petition Debts; and (iii) File Schedule **G** Executory Contracts and Unexpired Leases preventing Clerk from giving Jannie 5th due process notice of her bankruptcy filing because Keisha amended schedule J rent to \$950 actual \$545 and water-sewer-garbage to \$125 actual \$0 to convert defaulted 13 to 7, discharge 01/23/18; renewed lease with Jannie 01/05/18 before discharge; and let Jannie put her on deed without giving statutory and constitutional notice of her bankruptcy filing Jannie discovered after discharge when Keisha requested 10/18/21 in Case 2122-FC01353 to divide property obtained by fraud connected with bankruptcy case **13-49438** that would have negated Jannie from conveying property transfer had Keisha satisfied 5th due process requirement to give Jannie (a known creditor) notice of her bankruptcy filing in violation of Title 11, Bankruptcy Code, *Conversion* Rule 1019(5)(C)(D) and Jannie's due process rights and equal protection of laws under U.S. Constitution, Art. 1, Section 8, Clause 4 established by Congress; whereby Article 6, Clause 2 establishes U.S. Constitution is the supreme law of the land that binds both federal and state courts and federal and state judges to it.

Under the **5th Amendment** incorporated in the U.S. Constitution, 14th Amendment, Section 1 and MO Constitution, Article 1, Section 10 no person shall be deprived of property without due process rights and equal protection of laws which at a minimum guarantees Jannie of the right to be meaningfully heard by an impartial judiciary to fairly adjudicate her claims. This means Elizabeth Byrne Hogan, Presiding Judge and Joseph P. Whyte, Assistant Presiding Judge, 22nd Judicial Court, City of St. Louis are *not* exempt under 11th Amend. from enforcing Title 11, U.S. Bankruptcy Code, statutes and laws against debtor Keisha for bankruptcy fraud scheme entitling Jannie to **Prospective Declaratory Relief** against Keisha for property obtained by actual fraud by failing to give Jannie (a known creditor) statutory and constitutional notice of her bankruptcy filing instead of MO judges sealing Case 2122-FC01353 at Keisha's request evidencing Keisha's bankruptcy fraud scheme and withholding **Prospective Declaratory Relief** from Jannie in violation of Jannie's due process rights and equal protection of laws under

Color of State Law contrary to The Panel Decision affirming U.S. District Court's dismissal of Jannie's civil right's action for failure to state a claim opinion See Vigeant v. Meek, 953 F.3d 1022 1024, 8th Cir. 2020, standard of review and 8th Cir. R. 47(B). Jannie contends FRAP 8th Cir. **Local Rule 47(B)** is Procedure that should be used when there is no controlling law which is inapplicable in her civil rights claim Pursuant to 28 USC 2072 (Federal Rules of Procedure and Evidence); 28 USC 2075 (Bankruptcy Rules); and conflicts with other 8th Circuit Court decisions as well as **Rule 201** Judicial Notice of Adjudicative Facts not subject to reasonable dispute. The court must take judicial notice if a party requests it and the court is supplied with the necessary information. Jannie requested **Rule 201** and supplied the necessary information in Keisha's chapter 13 and 7 *conversion* filings and in Case 2122-FC01353 to MO judges, District Court and The Panel evidencing Keisha's bankruptcy fraud scheme and failing to give Jannie (a known creditor) statutory & constitutional notice whereby MO judges sealed 2122-FC01353 at Keisha's request violating Jannie's due process rights and equal protection of laws under 14th Amend., Sect. 1 and MO Constitution, Art. 1, Section 10 entitling her to **Prospective Declaratory Relief** against MO judges and debtor Keisha (a state actor) { 1983 remedy.

(2)(B) The Panel Decision conflicts with a decision of the United States Supreme Court (*Hanover National Bank v. Moyses*, 186 U.S. 181 (1902); *Mullane v Central Hanover Bank & Trust Co.*, 339 U.S.306 (1950); *Monroe v Pape*, 365 U.S. 167 (1961); *Dennis v Sparks*, 449 U.S. 24 (1980); and *Husky Int'l Electronics, Inc. v Ritz*, 578 U.S. 356 (2016); The Supreme Law of the Land "Standard of Review" that binds federal and state courts and *all* federal and state judges to its rulings, decisions and opinions:

In **Hanover National Bank v Moyses** (1902) The Supreme Court ruled debtors are required to give known creditors notice of their bankruptcy filing to satisfy 5th due process rights and equal protection of laws although court may take them at their word, it's up to creditor to file complaint proving otherwise that debtor in fact may be able to pay their debts, have fraud in their schedules, conceal property, omit creditors from matrix mailing, etc. to defeat The Bankruptcy Act.

In **Mullane v Central Hanover Bank & Trust Co** (1950) The Supreme Court ruled notice must be reasonably calculated under the circumstances to inform interested parties of pending actions and *emphasized* the importance of providing adequate notice to interested parties in legal proceedings to measure up to the standards of due process 14th Amendment as a basis for adjudication depriving of substantial property rights.

In **Monroe v Pape** (1961) the Court considered the application of federal civil rights laws to constitutional violations by city employees. The case was significant because it held that 42 U.S.C. 1983, a statutory provision from 1871, could be used to sue state officials who violated plaintiff's constitutional rights.

In **Dennis v Sparks** (1980) The Supreme Court established that private individuals can be considered state actors if they are involved in a joint action with state officials. This is known as action “*under color of law*”. If there is evidence that a private individual was a willful participant in a joint action with the state, then they can be considered a state actor. This means private individuals can be sued under { 1983 if they conspire with state officials to violate someone's constitutional rights. AND

In **Husky Int'l Electronics, Inc. v Ritz** (2016) The Supreme Court ruled Title 11 U.S.C 523(a)(2)(A) *criteria* for property obtained by “actual fraud” is *broad* and encompasses fraudulent conveyances, transfers and *concealment* schemes connected with a bankruptcy case even when those schemes do not involve false representation by debtor to creditor.

The Panel Decision affirming U.S. District Court's dismissal of Jannie, a known creditor's claim for **Prospective Declaratory Relief** on grounds of discovering Keisha's Bankruptcy Fraud Scheme that failed to give statutory and constitutional notice to Jannie of bankruptcy filing that would have negated property transfer conveyance in violation of Jannie's 5th due process rights and equal protection of laws incorporated in both 14th Amend, Sect. 1 and MO Constitution, Art. 1, Sect. 10 that defeated Title 11, Bankruptcy Code, *Conversion* after Confirmation of a Plan from Chapter 13 to 7, Rule 1019(5)(C) when Keisha concealed Jannie as a known post-petition creditor holding an unexpired residential lease with Keisha as tenant from Bankruptcy Court and Trustee by failing to file:

- i. a schedule of property not listed in the final report and account acquired after the filing of the petition but before conversion, except if the case is *converted* from chapter 13 to chapter 7 and { 348(f)(2) does not apply;
- ii. a schedule of unpaid debts not listed in the final report and account incurred after confirmation but before the conversion; and
- iii. a schedule of executory contracts and unexpired leases (Schedule G) entered into or assumed after filing the petition but before the conversion.


that required Keisha to show Jannie as post-petition creditor in her schedules to comply with Rule 1019(5)(D) for Transmission to the United States Trustee. The clerk shall forthwith transmit to the U. S. trustee a copy of every schedule filed pursuant to Rule 1019(5). According to The Supreme Court criteria “standard of review” Keisha obtained property by actual fraud in violation of Jannie (a known creditor's) 5th due process rights and equal protection of laws; contrary to The Panel Decision affirming U.S. District Court's dismissal of Jannie's civil rights action for failure to state a claim even though Elizabeth Byrne Hogan, Presiding Judge and Joseph P. Whyte, Asst. Presiding Judge are bound by The Supreme Court “*criteria*” that Keisha obtained property by actual fraud under Title 11, USC 523(a)(2)(A) entitling Jannie to **Prospective Declaratory Relief** instead of MO judges sealing case 2122-FC01353 at Keisha's request evidencing her concealment scheme under Color of State Law in violation of the 5th Amend incorporated in U.S. Constitution, Amend. 14, Sect. 1 and MO Constitution, Art. 1, Sect. 10 depriving Jannie of due process rights and equal protection of laws; whereby the 11th Amend. does not immune Keisha (a willing state actor) in concert with MO Judges from Jannie's civil rights claim for **Prospective Declaratory Relief** for property she obtained by actual fraud 42 USC 1983.

For the foregoing reasons, Jannie is entitled to **Prospective Declaratory Relief** that was unavailable to Jannie in the 22nd Judicial Court, City of St. Louis (deprivation of rights) 42 USC 1983 remedy. Wherefore Jannie Robinson Tisdell, Plaintiff-Appellant Pray **Rehearing En Banc** is granted Pursuant to **FRAP 40(b)(a)(2)(A)-(B)** Criteria; and The U.S. Court of Appeals 8th Circuit Court **Local Rule 40A(b)**. EVERY PETITION FOR REHEARING EN BANC, HOWEVER, WILL AUTOMATICALLY BE DEEMED TO INCLUDE A PETITION FOR REHEARING BY THE PANEL.

Petition for Rehearing En Banc

Signature Date: February 12, 2025

Respectfully Submitted,


Jannie Robinson Tisdell, Pro Se

5887 Washington Blvd., St. Louis, MO 63112

cell: 314-517-8228; email: rtservices@att.net


CERTIFICATE OF SERVICE

I, Jannie Robinson Tisdell, Plaintiff-Appellant hereby certify that this **Petition for Rehearing Enbanc** will be hand delivered to the Clerk of the Court for the U.S. Court of Appeals 8th Cir. on February 12, 2025 and service to all defendants shown below will be by U.S. Postal Regular Mail:

Respectfully Submitted,

Certificate of Service

Signature Date: February 12, 2025


Jannie Robinson Tisdell, Pro Se

5887 Washington Blvd., St. Louis, MO 63112

cell: 314-517-8228; email: rtservices@att.net

Elizabeth Byrne Hogan, Presiding Judge, **Defendant**

22nd Judicial Court, City of St. Louis, Civil Courts Building

10 North Tucker Blvd., St. Louis, MO 63101

Joseph P. Whyte, Assistant Presiding Judge, **Defendant**

22nd Judicial Court, City of St. Louis, Civil Courts Building

10 North Tucker Blvd., St. Louis, MO 63101

Keisha N. Robinson, **Defendant**

109 Seville Court

Florissant, MO 63033

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 24-3054

Jannie Robinson Tisdell

Appellant

v.

Elizabeth Byrne Hogan, Presiding Judge, et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:24-cv-01235-JAR)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

March 06, 2025

Order Entered at the Direction of the Court:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik

APP 11

RECEIVED

SEP 30 2024

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

United States DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EIGHTH DISTRICT DIVISION

JANNIE ROBINSON TISDELL,

PLAINTIFF

v.

Presiding Judge Elizabeth Byrne Hogan,
Assistant Presiding Judge Joseph P. Whyte and
Debtor, Keisha N. Robinson,

DEFENDENTS

Complaint for a Civil Case

cause of action = Title 42, U.S.C., Section 1983, U.S. Const., Amend. 14, Sect. 1;

add Title 11, Bankruptcy Rules 1019 and 1007

Declaratory Relief Unavailable in 22nd Judicial Court

CASE NO. 4:24-cv-01235JAR

Plaintiff requests trial by jury: YES

"AMENDED" CIVIL COMPLAINT DATED 09/30/24

ORIGINAL CIVIL COMPLAINT FILING FORM FILED 09/11/24

remove Circuit Court Judge John T. Bird as defendant; add Debtor Keisha N. Robinson as defendant; cause of action = title 42, U.S.C., Section 1983, U.S. Const., Amend. 14, Sect. 1; add title 11, rules 1019 & 1007; and delete/add/clear facts.

1. THE PARTIES TO THIS "AMENDED" COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name: Jannie Robinson Tisdell, Plaintiff
Street Address: 5887 Washington Blvd.
City and County: St. Louis City
State and Zip Code: Missouri 63112
Telephone No.: 314-517-8228
E-mail Address: rtservices@att.net

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a govt agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

App 12

Defendant No. 1

Name: Judge Elizabeth Byrne Hogan, suing in Judicial/Administrative Official Capacity;
Under Color of State Law, Case 2322-CC02433; Related 2122-FC01353
Official Title: Presiding Judge, 22nd Judicial Circuit, City of St. Louis
Court Address: Civil Courts Building, 10 North Tucker Blvd., St. Louis, MO 63101
Telephone No.: Unknown
Email Address: Unknown

Defendant No. 2

Name: Judge Joseph P. Whyte, suing in Judicial/Administrative Official Capacity;
Under Color of State Law, Case 2322-CC02433; Related 2122-FC01353
Official Title: Assistant Presiding Judge, 22nd Judicial Circuit, City of St. Louis
Court Address: Civil Courts Building, 10 North Tucker Blvd., St. Louis, MO 63101
Telephone No.: Unknown
Email Address: Unknown

Defendant No. 3

Name: Keisha N. Robinson, suing in Consumer Debtor Capacity Under Title 11,
Rules 1019 & 1007, Bankruptcy Case 13-49438, Bankruptcy Fraud
Official Title: Consumer Debtor; Chapter 13 converted to 7 10/12/17, fraudulently discharge 01/23/18
Court Address: 109 Seville Court, Florissant MO 63033
Telephone No.: 314-556-2544
Email Address: Unknown

II. Basis for Jurisdiction

Federal Courts are courts of limited jurisdiction (limited power). Generally, only three types of cases can be heard in federal court. Provide the information for this case. (Include all information that applies to your case).

A. Federal question, 28 U.S.C. 1331

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issues in this case.

1. 42, U.S.C., Section 1983, Civil Action for deprivation of rights, under Color of State Law:

Every person, who under color of any statute, ordinance, regulation, custom, or usage, of any state or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. Plaintiff contend Declaratory Relief Unavailable in 22nd Judicial Court of the City of St. Louis due to Judicial Machinery (Presiding Judge and Asst. Presiding Judge) ongoing concealment of Keisha N. Robinson's Bankruptcy Fraud and other federal crimes from 22nd Judicial Court and U.S. Attorney's Office; subsequently blocking Mrs. Tisdell from viewing/accessing Records of Case 2122-FC01353; and preventing Plaintiff from Accessing the Court for redress by refusing to Take up Mrs. Tisdell's Independent Action to Quiet Title Case No. 2322-CC02433 in violation of Plaintiff's due process rights and equal protection of laws under U.S. & MO Constitution that guarantee Mrs. Tisdell the right to be heard and adjudicated by an Impartial Judiciary.

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2. **U.S. Constitution, Amendment 14, Section 1:**

Section 1. 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. **Plaintiff contend Declaratory Relief Unavailable in 22nd Judicial Court of the City of St. Louis** due to Judicial Machinery (Presiding Judge and Asst. Presiding Judge) ongoing concealment of Keisha N. Robinson's **Bankruptcy Fraud** and other federal crimes from 22nd Judicial Court and U.S. Attorney's Office; subsequently **blocking** Mrs. Tisdell from viewing/accessing Records of Case No. 2122-FC01353; and **preventing** Plaintiff from Accessing the Court for redress by **refusing** to Take up Mrs. Tisdell's Independent Action to Quiet Title Case No. 2322-CC02433 in violation of Plaintiff's due process rights and equal protection of laws under U.S. & MO Constitution that guarantee Mrs. Tisdell the **right to be heard and adjudicated** by an **Impartial** Judiciary.

3. **Title 11, Rule 1019 Conversion.** When a chapter 13 case has been converted to a chapter 7 case: (1) Filing of Lists, Inventories, Schedules, Statements. (A) If they have not been previously filed, the debtor shall comply with **Rule 1007** as if an order for relief had been entered on an involuntary petition on the date of the entry of the order directing that the case continue under chapter 7.

4. **Title 11, Rule 1007.** Lists, Schedules, and Statements; Time Limits. (a)(2) **Involuntary Case.** In an involuntary case, the debtor shall file, within 7 days after entry of the order for relief, a list containing the name and address of each entity included or to be included on Schedules D, E/F, **G**, and H as prescribed by the Official Forms.

III. STATEMENT OF CLAIM

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every *defendant* you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement for each claim in a separate paragraph.

Claim 1 Plain Statement of *Judicially Noticed* Material Facts Not Subject to Dispute that Support Plaintiff's Claim that Keisha N. Robinson, Debtor obtained subject real estate at 5911 Riverview Blvd., 63147 through **bankruptcy fraud** when debtor *failed* to file **Schedule G** Executory Contracts and Unexpired Leases to disclose her post-petition residential lease at 5911 Riverview Blvd. 63147 01/01/17-12/31/17 to prevent Clerk from mailing notice of debtor's bankruptcy to Mrs. Tisdell to *conceal* her bankruptcy from Mrs. Tisdell since debtor Petitioned U.S. Bankruptcy Court on 10/10/17 to convert debtor chapter 13 to 7 then *concealed* Mrs. Tisdell from Bankruptcy Court and Trustee because debtor amended Schedule J, changing her rent on original Chapter 13 from \$735 to \$950, actual rent \$545 and changing water-sewer from \$0 to water-sewer-garbage \$125 actual water-sewer-garbage \$0; then debtor stated she did not expect an increase or decrease in expenses within the year after she filed her amended Schedule J and declared on Official Form 106Dec under penalties of perjury that debtor read the summary and schedules filed with this declaration and they are true and correct (ECF 8, #6 Exhibit 6 pp 6-14 of 46); thus *fraudulently* converting debtor's *defaulted* chapter 13 to 7 *fraudulently* discharge 01/23/18 just 18 days after debtor renewed lease with Mrs. Tisdell 01/05/18; in violation of bankruptcy judge court order, local rule 1019; and title 11, bankruptcy rules 1019 and 1007 (ECF 8, #6 Exhibit 6 pp 15-28 of 46) that required debtor to list her post-petition Unexpired residential lease that debtor held leasehold interest in with Mrs. Tisdell and list Plaintiff as landlord so Court could notify Mrs. Tisdell of debtor bankruptcy and access debtor lease. Then on 12/15/18 allowed Mrs. Tisdell, to put her on Quitclaim Deed (ECF 8, #6 Exhibit 6 pp 38-39 of 46) due to her husband's past financial difficulties without disclosing debtor's bankruptcy which was material to the subject matter and required by law to be disclosed to Mrs. Tisdell pursuant to bankruptcy judge court order, local rules 1019, Schedule G; and title 11, Rules 1019 and 1007. Mrs. Tisdell learned of debtor's bankruptcy fraud scheme after debtor voluntarily petitioned for divorce in 22nd Judicial Court, City of St. Louis on 10/18/21 from her husband asking Family Court to divide subject real estate at 5911 Riverview Blvd., 63147 in a fair and equitable manner taking into consideration her husband's marital and financial misconduct even though she had obtained property by committing bankruptcy fraud wherein she used property to fraudulently convert her defaulted chapter 13 to 7 10/12/17; fraudulently discharge 01/23/18; then fraudulently obtained Quitclaim Deed 12/15/18. Mrs. Tisdell was never a party to Keisha N. Robinson and Henry D. Robinson's divorce litigation, nor was allegations that debtor obtained real property at 5911 Riverview Bld., 63147 by committing bankruptcy fraud entertained by PJ Judge Hogan or Assistant Presiding Judge Whyte in Plaintiff's Independent Action to Quiet Title 2322-CC02433 07/28/23 pending in 22nd Judicial Ct for Declaratory Relief since debtor obtained real property at 5911 Riverview Blvd. 63147 by defrauding U.S. Bankruptcy Court, U.S. Trustee, Mrs. Tisdell and 22nd Judicial Court Pursuant to Title 11, Rules 1019 and 1007; Rule 60(d)(1), (3) and MO Rule 74.06(d).

The Supreme Court has repeatedly stated that Rooker-Feldman prevents lower federal courts from exercising jurisdiction over cases brought by "state-court losers challenging" state-court judgments rendered **before** the district court proceedings commenced and does not apply to a nonparty, "Exxon Mobile Corp. v Saudi Basic Industries Corp., 544 U.S. 280, 284. Lance V. Dennis, 546 U.S. 459 (2006). See Exxon Mobile, 544 U.S., at 292 (Rooker Feldman also does not apply to **parallel** state and federal litigation e.g. Case 2322-CC02433 pending in state court); Johnson v. De Grandy, 12 U.S. 997, 1005-1006 (1994) (Rooker-Feldman does not bar actions by a nonparty to the earlier state suit). Indeed, during that period, "this Court has never applied Rooker-Feldman to dismiss an action for **want** of jurisdiction." Exxon Mobil, *supra*, at 287. The Supreme Court held Rooker-Feldman **inapplicable** where the party against whom the doctrine is invoked was not a party to the underlying state-court proceeding. See De Grandy, *supra*, at 1006. SCOTUS held that Rooker-Feldman did not bar the United States from bringing its own action in federal court because the United States "was not a party in the state court," and was in **no** position to ask this Court to review the state court's judgment and has not directly attacked it in this proceeding." 512 U.S., at 1006. ("The general rule is that one who is not a party or has not been treated as a party to a judgment has no right to appeal therefrom"). Whatever the impact of privity principles on preclusion rules, Rooker-Feldman is not simply preclusion by another name. The doctrine applies **only** in "limited circumstances": Exxon Mobile, *supra*, at 291, where a party in effect seeks to take an appeal of an unfavorable state-court decision to a lower federal court. The Rooker-Feldman doctrine does not bar actions by nonparties to the earlier state-court judgment simply because, for purposes of preclusion law, they could be considered in privity with a party to the judgment. Mrs. Tisdell points out that Article 1, Clause 8, Section 4, U.S. Constitution gives Congress Power to establish uniform Laws on Bankruptcy to give the **honest** debtor relief from debt obligations but does not protect debtor Keisha N. Robinson who obtain property at 5911 Riverview Blvd. 63147 by defrauding U.S. Bankruptcy Court, U.S. Trustee, Mrs. Tisdell, and the 22nd Judicial Court, City of St. Louis. U.S. Supreme Court has repeatedly stated that it is against Equity, Good Conscience, Judicial Integrity and Public Interest to allow Keisha N. Robinson and Henry D. Robinson to keep property or financially benefit from the fruits of subject property at 5911 Riverview 63147 obtained by Keisha's bankruptcy fraud scheme directly related to the subject matter of Plaintiff's Independent Action to Quiet Title under Title 11, Rules 1019 & 1007; Rsmo fraud statute 516.120(5); Rsmo Quite Title statute 527.150. Therefore any property obtained from the debtor's wrongdoing/moral turpitude to defeat the laws of the United States Bankruptcy Code will be clawed back in a Court of Equity to its rightful owner, Mrs. Tisdell who was a nonparty to consumer debtor Keisha N. Robinson and her then husband Henry D. Robinson's divorce litigation.

Claim 2 Plain Statement of *Judicially Notice* Material Facts Not Subject to Dispute that Support Plaintiff's Claim that Presiding Judge Elizabeth Byrne Hogan and Assistant Presiding Judge Joseph P. Whyte failed to perform **Administrative Duties** of the 22nd Judicial Court of the City of St. Louis to include making Court Records available to Mrs. Tisdell, Taking Notice of Court Own Records to ensure justice is administered in a fair and impartial manner, etc. resulting in **Violation** of Mrs. Tisdell's due process rights and equal protection of laws 42, U.S.C., 1983, Amend. 14, Sect. 1, U.S. Constitution acting Under Color of State Law while simultaneously failing to take up Mrs. Tisdell's Independent Action to Quiet Title and concealing Keisha N. Robinson's bankruptcy fraud from 22nd Judicial Court and U.S. Attorney's Office in violation of MO Statutes, Supreme Ct Rules & 22nd Judicial Court St. Louis City Local Rules. (ECF 8, #1 Exhibit 1, #2 Exhibit 2, #7 Exhibit 7); prompting Plaintiff to file Independent Action in this Court 09/11/24 due to Presiding Judge Hogan and Asst Presiding Judge Whyte partial to Keisha N. Robinson's bankruptcy fraud thereby not acknowledging that debtor cannot benefit from property obtained from her bankruptcy fraud scheme/moral turpitude preventing Mrs. Tisdell from receiving Declaratory Relief in the 22nd Judicial Court, City of St. Louis as required by law because there are no remaining genuine disputes.

On 07/28/23 Mrs. Tisdell filed Independent Action to Quiet Title, Case # 2322-CC02433 to set aside real estate at 5911 Riverview Blvd., 63147 exercising Right to rescind Quitclaim Deed and restore all parties to their positions (Charles, Jannie, Henry, Keisha) prior to the Quitclaim Deed that Keisha obtained by defrauding U.S. Bankruptcy Court, U.S. Trustee, Charles & Jannie, and the 22nd Judicial Court. (ECF 8, #6 Exhibit 6 pp 35-39 of 46). The case was originally assigned 07/28/23 to Judge Michael F. Stelzer who stayed cause upon Keisha's request 10/04/23. Exhibit 1 p 1 of 8. Mrs. Tisdell motioned Judge Stelzer 10/05/23 that stay appears contrary to Rsmo 516.120(5) Fraud Relief and Rsmo 527.150 Quiet Title "authorizing" Plaintiff to file independent action against Keisha & Henry for Plaintiff's Equitable Interest in subject real estate because Plaintiff was a nonparty to their Dissolution of Marriage. Exhibit 1 p 2 of 8.; On 10/18/23 Plaintiff Motioned Court for Change of Judge. Exhibit 1 p 3 of 8. On 12/12/23 Judge Stelzer sustained in part stating Plaintiff did not present evidence to disqualified Judge that stipulated Judge Stovall-Reid agreed to take case. Exhibit 1 p 4 of 8.

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On 12/18/23 Plaintiff filed Motion with PJ Hogan that disqualified Judge Stelzer position that Plaintiff did not present evidence to transfer case to Stovall-Reid appeared contrary to Case law, MO Supreme Ct Rule 51.05, 51.05(e), Local Rules 6.5.2 and 36.8 and due process and equal protection of laws of U.S. Const., Amend 14, Sect. 1 and Mo Const., Article 1, Clause 10 that afford and guarantee the opportunity for Mrs. Tisdell at a minimum with the right to be meaningfully heard by an Impartial Judiciary in their Quiet Title Cause because Judge Stelzer did not allow Plaintiff to stipulate Judge then directly transferred case to Judge Sengheiser who is interested as Judge Stelzer is Presiding Judge in Case No. 2322-CC095953 wherein Judge Sengheiser is defendant. Exhibit 1 pp 5-7 of 8. PJ Judge Hogan reassigned Mrs. Tisdell's case to Asst. PJ Judge Whyte on 03/06/24. Mrs. Tisdell motioned 03/07/24 that Plaintiff disagreed with Court that Local Rule does not allow parties to stipulate Judge. Exhibit 1 p 8 of 8. It appears Judicial Officials in 22nd Judicial Court have stalled Plaintiff's Independent Action to Quiet Title Against debtor Keisha N. Robinson and Henry D. Robinson where Judicially Notice Adjudicated Undisputed Facts Not Subject to Dispute show Keisha acquired subject real estate thru bankruptcy fraud and Plaintiff is entitled to relief by law that the Judicial Machinery is not interested in providing to Mrs. Tisdell. On 08/23/24 Mrs. Tisdell filed Motion for Hearing 08/28/24 respectfully requesting Presiding Judge Hogan, Chief Executive Administrator of the 22nd Judicial Court, City of St. Louis to Take Judicial Notice of **Related Case # 2122-FC01353 Keisha N. Robinson v Henry D. Robinson** whereby attorney Melissa Lynne Moss Motion 08/21/24 & 08/22/24 on behalf of Keisha N. Robinson to get Circuit Court, Div 15, to appoint Robert Hamilton as Commissioner to sale subject real estate obtained by Keisha & Henry arising out of Keisha's commission of bankruptcy fraud whereby proceeds would be distributed to (1) Keisha \$45,000 and payment directly to debtor on **forged** Mariner Financing Statement that she provided to 22nd Judicial Court; (2) Robert Hamilton to receive commission on listing/selling subject real estate; and (3) Melissa Lynne Moss would be paid attorney fees from Plaintiffs' Equity in real property even though Case 2322-AC01702 Mariner Finance v Keisha N. Robinson has active wage garnishment against Keisha. ECF 8, #3 Exhibit 3 pp 1-5, 62-72 of 72.

Presiding Judge Elizabeth Byrne Hogan response to Mrs. Tisdell's Motion was that she would not take up Motion; thereby directing Plaintiff to Assistant Presiding Judge Whyte who informed Mrs. Tisdell that her case was *complicated* and advised Plaintiff to get a Lawyer for what she was trying to do and that Judge Whyte could only set Counsel Status Hearing 09/11/24 to take up all motions thru that date. Both Presiding Judge and Assistant Presiding Judge are Executive Chief Administrators of the 22nd Judicial Court with **duty** to handle the administrative affairs and operations of the 22nd Judicial Court of the City of St. Louis that include assignment of cases to Circuit Court and Associate Circuit Court Judges, include **Supervising** all Judicial Officers and ensuring administrative matters are dealt with in an efficient and effective manner that allow the Judiciary to *fairly and impartially* adjudicate cases. On 09/03/24 Per Keisha's Motion request, ECF #2, Exhibit 2 pp 2-3 of 3, Presiding Judge Elizabeth Byrne Hogan *arbitrarily* removed Case No. 2122-FC01353 from mo casenet with Security Level elevated to **Confidential** thereby blocking Mrs. Tisdell from viewing/accessing the Case which is contrary to MO Remote Public Access 07/01/23; MO Court Operating Rule 2; and MO Chapter 610 Sunshine Law whereby move by 22nd Judicial Court PJ Hogan leaves appearance that 22nd Judicial Court is partial to Keisha in violation of Mrs. Tisdell's due process and equal protection of laws that afford Plaintiff at a minimum of the right to be heard by an Impartial Judiciary under the U.S. and MO Constitution wherein move blocks Mrs. Tisdell from accessing supporting documents in Related Case No. 2122-FC01353 to place in Independent Action to Quiet Title Case No. 2322-CC02433 *Legal File*. ECF 8, #2 Exhibit 2. Plaintiff was informed by Court Clerk on the 3rd floor of 22nd Judicial Court, City of St. Louis Civil Courts Building that Mrs. Tisdell would have to take the matter up with Presiding Judge Hogan that is *futile*; thereby continuing to violate due process rights and equal protection of laws that guarantee Plaintiff at a minimum with the right to be heard and adjudicated by an *Impartial* Judiciary and equal protection of laws as the move by PJ Hogan and Assistant Presiding Judge Whyte leaves the appearance that Judicial Officers are *extremely* partial to Keisha thereby compromising the **Integrity** of the Judiciary resulting in **Declaratory Relief unavailable** to Mrs. Tisdell in the 22nd Judicial Court of the City of St. Louis **Under Color of State Law** as Case No. 2122-FC01353 is no longer accessible contrary to MO statutes and laws; wherein it appears Judge Craig Kennedy Higgins on 09/24/24 at 2 pm appointed Commissioner to sale subject real estate at 5911 Riverview Blvd., 63147; at direction of PJ Hogan when PJ Hogan and Asst. PJ Whyte are aware that debtor Keisha obtained property by defrauding U.S. Bankruptcy Court, U.S. Trustee, Mrs. Tisdell and 22nd Judicial Court in violation of Plaintiffs due process rights and equal protection of laws under Title 42, U.S.C., 1983 **Deprivation of Rights Under Color of State Law** and the 14th Amend., Sect 1 of the U. S. Constitution and MO Constitution. Both Presiding Judge Hogan and Assistant Presiding Judge Whyte have taken an **Oath** to uphold the Laws of the U.S. Constitution and declare laws of the federal govt and U.S. Constitution are Supreme while *simultaneously* act Under Color of State Law against Title 18, USC 3057(a) that mandate any judge to report bankruptcy fraud and other federal crimes (**Quitclaim Deed Fraud**) arising out of Insolvent debtor (Keisha N. Robinson) bankruptcy fraud scheme/wrongdoing/moral turpitude to defeat laws of the U.S. Bankruptcy Code in opposition to Art. 1, Clause 8, Sect. 4 and Supremacy Clause *law of the land* to the United States Attorney's Office.

IV. Relief

State briefly and precisely what damages or other relief you want from the Court. Do not make legal arguments.

Wherefore the foregoing reasons Jannie Robinson Tisdell, Plaintiff **Pray** that this Honorable Court will issue TRO to enjoin Keisha N. Robinson from in action to sell real property at 5911 Riverview Blvd., St. Louis, MO 63147 to prevent imminent and irreversible harm to Mrs. Tisdell because it appears real estate Commissioner may have been appointed 09/24/24 by 22nd Judicial Court of the City of St. Louis; (2) **Declaratory Relief** to declare Plaintiff rightful owner of subject real estate at 5911 Riverview Blvd. 63147 because Judicially Noticed Adjudicated Material Facts not Subject to dispute show debtor Keisha N. Robinson acquired real property arising out of her bankruptcy fraud; (3) Order Rescission of subject real estate Quitclaim Deed by debtor Keisha N. Robinson with aid of 22nd Judicial Court Administrators PJ Hogan and APJ Whyte who refused to take up Mrs. Tisdell's Independent Action to Quiet Title 2322-CC02433 Pursuant to Title 11, Rules 1019 and 1007; Rule 60(d) and (e); and Rsmo 74.06(d) in violation of Plaintiff's due process rights and equal protections of laws Under Color of State Law; and (4) Any Other Relief that this court deems just and fair.

Do you claim the wrongs alleged in your complaint are continuing to occur now? **YES** Presiding Judge Hogan continue to refuse To Take Judicial Notice of 22nd Judicial Court's Own Records whereby fact, evidence, law, equity and good conscience show there are no remaining genuine disputed facts that debtor Keisha N. Robinson obtained real property at 5911 Riverview by commissioning the act of **bankruptcy fraud** wherein Plaintiff is entitled to **fraud relief** as a matter of law, under 42, U.S.C. 1983; 14th Amend. to Constitution, Section 1; and Title 11, Rules 1019 and 1007.

Do you claim actual damages for the acts alleged in your complaint? **NO**
Plaintiff Request Court to Order Rescission of Quitclaim Deed since fact, evidence, law, equity and good conscience show undisputed facts that Keisha obtained subject property by defrauding U.S. Bankruptcy Court, U.S. Trustee, Charles & Jannie, and the 22nd Judicial Court of the City of St. Louis with aid of the Judicial Officers that have tainted the Judiciary..

Do you claim punitive damages? **NO.... Rescission of Fraudulently Obtained Quitclaim Deed by Debtor, Keisha N. Robinson with aid 22nd Judicial Machinery.**

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for the further investigation or discovery; and (4) the complain otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be serviced. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 30th day of September 2024.

Signature of Plaintiff:

Jannie Robinson Tisdell, Pro Se

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Case NO. 4:24-cv-01235JAR

CERTIFICATE OF SERVICE

I, Jannie Robinson Tisdell, hereby Certify that this **Amended** Civil Complaint, **Amended** Original Filing Form and **Exhibit 1** will be hand delivered to the United States District Court Eastern District of Missouri Court Clerk on September 30, 2024 and a copy will be served on all Defendants shown below via Mail and **added** Defendant Keisha N. Robinson will be Served **Summons** Pursuant to **Rule 4**.

Dated Signature: September 30, 2024

Respectfully Submitted,


Jannie Robinson Tisdell, Plaintiff, Pro Se
5887 Washington Blvd., St. Louis, MO 63112
314-517-8228 (cell); rtservices@att.net email

Presiding Judge Elizabeth Byrne Hogan, **Defendant**
22nd Judicial Court, City of St. Louis
Civil Courts Building, 10 North Tucker Blvd.
St. Louis, MO 63103

Assistant Presiding Judge Joseph P. Whyte, **Defendant**
22nd Judicial Court, City of St. Louis
Civil Courts Building, 10 North Tucker Blvd.
St. Louis, MO 63103

Debtor Keisha N. Robinson, **Defendant**
109 Seville Court,
Florissant, MO 63033

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RECEIVED

SEP 30 2024
U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EIGHTH DISTRICT DIVISION

JANNIE ROBINSON TISDELL,

PLAINTIFF

v.

PRESIDING JUDGE ELIZABETH

BYRNE HOGAN, ASSISTANT

PRESIDING JUDGE JOSEPH P.

WHYTE, AND DEBTOR KEISHA N.

ROBINSON.

DEFENDANTS

Case No. **4:24-cv-01235JAR**

cause of action = Title 42, U.S.C., Section 1983, Color of State Law, U.S. Const., Amend. 14, Sect. 1 &

Title 11, Bankruptcy Rules 1019 and 1007

September 30, 2024

"EMERGENCY TEMPORARY RESTRAINING ORDER REQUEST"

MOTION Jannie Robinson Tisdell, Plaintiff respectfully direct this Court to (1) Rule 201, Judicial Notice of Adjudicative Facts not subject to dispute to *issue* Temporary Restraining Order to enjoin Keisha N. Robinson, Defendant Debtor Pursuant to Rule **65(b)** whereby the **Memorandum in Support** of Plaintiff's Motion Pursuant to Rules 201 and 65(b) in pertinent part is shown below for Emergency **TRO Hearing Held 10/07/24** or soon thereafter to **enjoin** Keisha N. Robinson from selling, receiving proceeds, etc. from subject real estate that she obtained thru Bankruptcy Fraud:

MEMO IN SUPPORT OF PLAINTIFF'S MOTION FOR TRO under Rules 201 and 65(b)

Rule 201 Judicial Notice of Adjudicative Facts in pertinent part:

- (a) This rule governs judicial notice of an adjudicative fact only, not a legislative fact.
- (b) Kinds of Facts That May Be Judicially Notice. The Court may **judicially notice** a fact that is not subject to reasonable dispute because it: (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.
- (c) **Taking Notice.** The Court: (2) **must** take judicial Notice if a Party requests it and the court is supplied with the necessary information.
- (d) **Timing.** The court may **take judicial notice at any stage of the proceeding.**
- (e) **Opportunity to Be Heard.** On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. **If the court takes judicial notice before notifying a party, the party on request, is still entitled to be heard.**
- (f) **Instructing the jury. In a civil case, the court must instruct the jury to accept the noticed fact as conclusive.**

Therefore, Mrs. Tisdell respectfully request this court to take judicial notice of the following documents supplied to the 22nd Judicial Court, City of St. Louis, Case No. 2322-CC02433 *not* subject to judicial dispute **Rule 201** that Keisha N. Robinson acquired subject real estate at 5911 Riverview Blvd., 63147 by **defrauding** U.S. Bankruptcy Court, U.S. Trustee, Plaintiff, and the 22nd Judicial Court with **aid** of the 22nd Judicial Court, City of St. Louis **Judicial Officials** and MO Supreme Court En Banc in violation of Plaintiff's due process and equal protection of laws. 42, U.S.C., 1983, U.S. Const., Amend. 14, Sect. 1. (ECF 8, #6 Exhibit 6 pp 6-28, 38-39 of 46; #7 Exhibit 7).

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Rule 65 Injunctions and Restraining Orders in pertinent part:

(b) Temporary Restraining Order.

(1) Issuing Without Notice. The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:

(A) **specific facts** in an affidavit or a **verified complaint** (Rule 201 Judicial Facts Not Subject to Dispute, ECF 8, Exhibits 1-2, 3 pp 62-69 of 72, and 7) show **immediate and irreparable injury, loss or damage will result to Mrs. Tisdell-Movant** before the adverse party can be heard in opposition; *and*

(B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required. **See Mrs. Tisdell, Pro Se Plaintiff's Affidavit herein this Motion and Memorandum of Support of Rules 201 and 65(b) Request for Temporary Restraining Order.**

Therefore, Mrs. Tisdell *respectfully* request this court to *issue* Temporary Restraining Order


Pursuant to **Rule 65(b)** to prevent Plaintiff from immediate and irreparable injury, loss or damage because subject real estate sale imminent so Keisha N. Robinson who acquired subject real estate by **defrauding** U.S. Bankruptcy Court, U.S. Trustee, Mrs. Tisdell and 22nd Judicial Court, with **aid** of 22nd Judicial Court can receive proceeds \$45,000 and payment on **forged** Mariner Financing Statement from sale of subject real estate (Plaintiff's Sweat Equity) *before* **Judicial Officials** (Presiding Judge Hogan, Assistant Presiding Judge Whyte along with Debtor Keisha N. Robinson can be heard as due process & equal protection of laws. 42, U.S.C. 1983, **Deprivation of Rights**, U.S. Const., Amend. 14, Section 1, and Title 11, Rules 1019 and 1007 - **Bankruptcy Fraud** are exceptions to Anti-Injunction Act.

AFFIDAVIT FOR TEMPORARY RESTRAINING ORDER

I, Jannie Robinson Tisdell, Plaintiff, Pro Se hereby certify that the actions of (1) Presiding Judge Hogan arbitrarily raising Security Level to Confidential in Case No. 2122-FC01353 and failing to manage Judicial Officials, Cases, etc.; (2) Asst. Presiding Judge Whyte inaction by failing to take up Plaintiff's Independent Action to Quiet Title Case No. 2322-CC02433 pending in 22nd Judicial Court **Under Color of State Law** in violation of Plaintiff's due process rights and equal protection of laws of the 14th Amend. Plaintiff's efforts were made to 22nd Judicial Court on 07/28/23 by filing Independent Action to Quiet Title that fell on deaf ears of **Judicial Officials** and **Supreme Court of MO En Banc** directing new Judge Assigned to Plaintiff's Independent Action to Quiet Title *continue* with the local presiding judge's (**Judge Hogan**) orders; thus *continuing* to appoint commissioner to sale real property causing imminent and irreparable harm to Plaintiff that cannot be compensated to plaintiff with damages. Plaintiff is likely to prevail on the merits of this **Amended Original Complaint**, it is in the interest of the public for this court to grant Plaintiff's TRO under 1983 and Title 11, Rules 1019 and 1007 that fall under the exception to the Anti-Injunction Act as the federal government is the **protector** of individual rights when states thru **Judicial Officials** fail to enforce laws already on the state's books to protect the rights of individuals under both the U.S. and MO Constitution but opt to shield Keisha N. Robinson's bankruptcy fraud from 22nd Judicial Court and United States Attorney's Office where by Title 18, U.S.C. 3057 mandate a judge to report insolvent debtor's fraud and other federal crimes to the United States Attorney's Office with name and information of witness (Mrs. Tisdell); that is why Rule 65(c) bond should be waived as it is inequitable for Plaintiff to be continuously victimized by Keisha N. Robinson's wrongdoing/moral turpitude with **aid** of 22nd Judicial Court Machinery.

Signature Date: September 30, 2024

Respectfully Submitted,

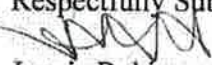

Jannie Robinson Tisdell, Plaintiff, Pro Se
5887 Washington Blvd., St. Louis, MO 63112
314-517-8228 (cell); rtservices@att.net (email)

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Wherefore the foregoing reasons, Jannie Robinson Tisdell, Plaintiff Pray this Court will issue **Temporary Restraining Order** to enjoin Keisha N. Robinson from selling real property 5911 Riverview 63147 obtained thru Bankruptcy Fraud to Prevent Plaintiff from Great and Irreparable Harm with aid of Judicial Officials Under **Color of State Law** in violation of Plaintiff's due process rights and equal protection of laws Pursuant to 42, U.S.C., 1983, **Deprivation of Rights**, Amend. 14th, Section 1, U.S. Constitution as Plaintiff **does not seek money damages** in this Amended **Original** Complaint filed 09/30/24 but a Temporary Restraining Order Pursuant to Rules **201** and **65(B)** in the interest of justice to prevent imminent and *great* irreparable harm to Plaintiff by **Judicial Officials** until all defendants can be heard by this court.

Signature Date: September 30, 2024

Respectfully Submitted,

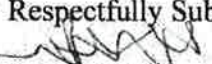

Jannie Robinson Tisdell, Plaintiff Pro Se
5887 Washington Blvd., St. Louis, MO 63112
314-517-8228(cell); rtservices@att.net (email)

CERTIFICATE OF SERVICE

I, Jannie Robinson Tisdell, certify that a true and correct copy of the foregoing **Memorandum** In Support of Motion for Rules **201** and **65(B)** along with Plaintiff's **Affidavit** for Temporary Restraining Order to **enjoin** Keisha N. Robinson from selling, receiving proceeds, etc. from subject real estate to prevent plaintiff from imminent and great irreparable harm by **Judicial Officials Under Color of State Law** until all defendants can be heard was filed with The United States District Court Eastern District of MO Court Clerk on September 30, 2024 and served on Defendants shown below will be via Mail:

Signature Date: September 30, 2024

Respectfully Submitted,


Jannie Robinsn Tisdell, Plaintiff Pro Se
5887 Washington Blvd., St. Louis, MO 63112
314-517-8228 (cell); rtservices@att.net (email)

Presiding Judge Elizabeth Byrne Hogan, Defendant
22nd Judicial Court, City of St. Louis, Civil Courts Building
10 North Tucker Blvd., St. Louis, MO 63101

Assistant Presiding Judge Joseph P. Whyte, Defendant
22nd Judicial Court, City of St. Louis, Civil Courts Building
10 North Tucker Blvd., St. Louis, MO 63101

Debtor, Keisha N. Robinson, Defendant; 109 Seville Court, Florissant, MO 63033

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App 22

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JANNIE ROBINSON TISDELL,

Plaintiff,

v.

ELIZABETH BYRNE HOGAN et al.,

Defendants.

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Case No.: 4:24-cv-1235-JAR

MEMORANDUM AND ORDER

This matter is before the Court on self-represented Plaintiff Jannie Robinson Tisdell's amended complaint (Doc. 15) and motions for emergency injunctive relief and temporary restraining order (Doc. 2, 9, 18) seeking to enjoin the sale of real property the subject of a quiet title action in Missouri state court. Defendants are state court judges and the apparent owner of the property. For the reasons set forth below, the Court must dismiss the case.

Background

In October 2021, Plaintiff's cousin, Henry Robinson, was served with a divorce petition from his wife, Defendant Keisha Robinson, in the 22nd Judicial Circuit of Missouri.¹ Plaintiff attended hearings in the case in March and May 2022, where she informed Defendant Judge John Bird that she and her husband had a legal interest in the marital home. Plaintiff claimed that she gifted the real estate to Henry, but Keisha was also named on the quitclaim deed due to Henry's past financial difficulties. Plaintiff further claimed that Keisha fraudulently obtained the deed by hiding her bankruptcy status and defrauded the bankruptcy court by failing to name Plaintiff as a creditor pursuant to deed restrictions. Judge Bird told Plaintiff that she could participate in the

¹ *Robinson v. Robinson*, Case No. 2122-FC01353, 22nd Judicial Circuit of Missouri (St. Louis City).

proceedings only as a witness, and that she should hire an attorney if she claimed an interest in the property.

Plaintiff engaged counsel and filed a motion to intervene as a necessary and indispensable party. She asked the court to set aside the disputed real estate as non-marital property and moved for summary judgment, arguing that Keisha's fraudulent conduct, vis-à-vis both Plaintiff and the bankruptcy court, invalidated the quitclaim deed transfer. Judge Bird denied Plaintiff's motion to intervene, finding that Plaintiff and her husband had no rights or interest in the subject real estate. (Doc. 8-3 at 17-22).² Judge Bird entered a final dissolution judgment in October 2023. (Doc. 8-3 at 44-61).³

In July 2023, Plaintiff and her husband filed a separate quiet title action seeking to rescind the quitclaim deed and restore all parties to their former positions, i.e., prior to transfer of the deed that Keisha allegedly obtained by fraud.⁴ On August 23, 2024, Plaintiff filed a motion in the quiet title action asking Defendant Presiding Judge Elizabeth Hogan to take judicial notice of the Robinsons' divorce case and stay the appointment of a real estate commissioner pending the adjudication of lawful title. On September 3, Keisha filed a motion in the divorce case to

² In his order denying the Tisdells' motion to intervene, Judge Bird noted that the motion was untimely insofar as Plaintiff attended and even testified in the dissolution trial but did not seek to intervene until after the close of the evidence. (Doc. 8-3 at 18-19). On the merits, Judge Bird reasoned that (1) nothing in the deed language restricting the use of the property as collateral would cause it to revert to the Tisdells upon a breach of those restrictions and (2) even accepting Plaintiff's claims that the property was meant to stay in Henry's family, and that Keisha was given title only to protect it from dissipation, the property would then be set aside for Henry and would never revert to the Tisdells. (*Id.* at 20-21).

³ In his final dissolution judgment, Judge Bird found Keisha's testimony credible and found *some* of Henry's and Plaintiff's testimony credible. (Doc. 8-3 at 46). Noting that both spouses' names were on the deed, Judge Bird found that the house was marital property. (Doc. 8-3 at 47, 51).

⁴ *Tisdell et al. v. Robinson et al.*, Case No. 2322-CC02433, 22nd Judicial Circuit of Missouri (St. Louis City).

raise the security level of the court file on CaseNet. (Doc. 8-2 at p. 3). The court granted the motion, rendering the entire divorce file confidential. (*Id.* at p. 2).⁵

Meanwhile, the judge presiding over the quiet title action, Defendant Judge Joseph Whyte, set a hearing on all pending motions for September 12. However, on September 11, Plaintiff filed the present federal complaint, prompting Judge Whyte to recuse. The case was then reassigned to Judge Joseph Rathert,⁶ and the hearing was reset for October 28.

In her initial complaint in this Court, Plaintiff asserted two claims against the Defendant Judges. First, invoking 42 U.S.C. § 1983, Plaintiff alleges that Judge Bird violated her rights to due process and equal protection by denying her motion to intervene in the divorce case and depriving her of her real property. Plaintiff contends that Judge Bird acted without jurisdiction over all parties (namely Plaintiff), and that the final dissolution judgment is void because it was procured by fraud. Second, invoking the Fourteenth Amendment, Plaintiff alleges that Judges Hogan and Whyte violated her rights to due process and equal protection by denying her access to the Robinsons' divorce file via CaseNet and refusing to take up the quiet title action. Plaintiff requested an emergency injunction enjoining enforcement of Judge Bird's dissolution judgment, a declaration that the judgment is void, and an order rescinding the quitclaim deed.

Concurrent with her complaint, Plaintiff filed a motion for emergency injunctive relief seeking to halt further action in the state court cases. (Doc. 2). On September 23 and 25, Plaintiff filed a motion for TRO and requested a hearing September 30. (Doc. 9, 10, 12). On September 26, this Court denied Plaintiff's request and ordered her to show cause why this case

⁵ Missouri Supreme Court Operating Rule 4.24(1)(s) authorizes a court to seal public records for good cause.

⁶ Judge Rathert, a circuit judge in neighboring Jefferson County, was assigned the case upon a transfer order of the Supreme Court of Missouri pursuant to Mo. Const. Art. V, Sec. 6.

should not be dismissed for lack of subject matter jurisdiction under the domestic relations exception and *Rooker-Feldman* doctrine. (Doc. 11, 13). On September 27, Plaintiff filed a response arguing that *Rooker-Feldman* does not apply to non-parties (i.e., with respect to the dissolution case) and her claims raise federal questions of constitutional due process. (Doc. 14).

On September 30, Plaintiff amended her complaint by abandoning her claim against Judge Bird and adding Keisha Robinson as a defendant. (Doc. 15). Plaintiff also invokes Rules 1019 and 1007 of the Federal Rules of Bankruptcy Procedure as additional bases for this Court's jurisdiction⁷ but asserts no separate legal claims against Keisha. Plaintiff requests a temporary restraining order enjoining the sale of the property, an order rescinding the quitclaim deed, and a declaration recognizing Plaintiff as the rightful owner. Concurrent with her amended complaint, Plaintiff filed another motion for TRO asking the Court to set a hearing for October 7 and enjoin the sale of the property. (Doc. 18).

Discussion

"Federal courts are courts of limited jurisdiction, possessing only that power authorized by Constitution and statute." *Gunn v. Minton*, 568 U.S. 251, 256 (2013). The Court assumes that a cause of action lies outside of its limited jurisdiction, and the burden of establishing the Court's jurisdiction is on the party asserting it. *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994). The Court can raise the question of its subject matter jurisdiction at any time. *Long v. Area Mgr., Bureau of Reclamation*, 236 F.3d 910, 916 (8th Cir. 2001).

Plaintiff invokes the Court's subject matter jurisdiction under 28 U.S.C. § 1331, which provides that "district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Though Plaintiff cites principles of due

⁷ Rule 1019 governs conversion of a Chapter 13 case to a Chapter 7 liquidation. Rule 1007 sets requirements for lists, schedules, and statements.

process and equal protection as the basis for this Court's jurisdiction, the allegations in her filings are conclusory and do not articulate a colorable constitutional violation. Plaintiff centrally asserts that the Defendant Judges disregarded Keisha's alleged bankruptcy fraud to deem the property marital and treated Plaintiff unfairly by denying her motion to intervene in the divorce case and sealing the file, not transferring the quiet title case to a judge of Plaintiff's choosing, and not addressing her motions in that case.

The Court has reviewed Plaintiff's complaints and motions, including the exhibits attached to Plaintiff's first TRO motion (Doc. 8), and the Court finds no facial or factual basis for a colorable constitutional claim against the Defendant Judges that would withstand dismissal under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim entitling Plaintiff to relief. Moreover, even if the Court held any doubt in this respect (which it does not), federal courts should abstain from exercising jurisdiction in cases where equitable relief would interfere with pending state proceedings in a way that offends principles of comity and federalism. *Aaron v. Target Corp.*, 357 F.3d 768, 774 (8th Cir. 2004) (citing *Younger v. Harris*, 401 U.S. 37 (1971)). This Court's interference in a pending state court real property dispute would deeply offend principles of comity.

Additionally, the domestic relations exception divests federal courts of jurisdiction over any divorce action. *Khan v. Khan*, 21 F.3d 859, 861 (8th Cir. 1994). Even when a cause of action closely relates to but does not precisely fit into the contours of a divorce action, federal courts generally will abstain from exercising jurisdiction. *Id.* This case clearly relates to the division of marital assets in state court.

Further, Plaintiff names the Defendant Judges in their official capacity. The Eleventh Amendment bars a plaintiff from suing a state official in her official capacity except for certain

claims seeking prospective equitable relief. *Murphy v. Arkansas*, 127 F.3d 750, 754 (8th Cir. 1997). “Under the *Ex parte Young* doctrine, a private party can sue a state officer in his official capacity to enjoin a prospective action that would violate federal law.” *281 Care Comm. v. Arneson*, 638 F.3d 621, 632 (8th Cir. 2011). In determining whether this exception applies, a court examines whether the complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective. *Id.* The *Ex parte Young* exception only applies against officials who are about to commence proceedings to enforce an unconstitutional act. *281 Care Comm. v. Arneson*, 766 F.3d 774, 797 (8th Cir. 2014). That is not the case here. As stated above, Plaintiff’s filings and exhibits do not demonstrate or even plausibly allege the threat of an unconstitutional act by the Defendant Judges.

Even if Plaintiff had sued the judges in their individual capacities, judges are entitled to immunity for their official actions, and injunctive relief “shall not be granted” unless a declaratory decree was violated or declaratory relief is unavailable. 42 U.S.C. § 1983; *Justice Network Inc. v. Craighead Cnty.*, 931 F.3d 753, 764 (8th Cir. 2019). Plaintiff’s allegations against the Defendant Judges fall squarely within their official duties, and Plaintiff does not establish any basis to overcome immunity.

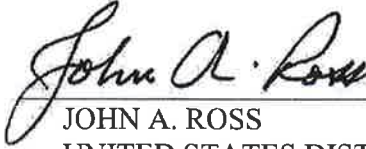
Finally, with respect to Defendant Robinson, to state a claim under § 1983, a plaintiff must establish a constitutional violation by a person acting under color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988). Keisha is a private citizen and cannot be sued under § 1983. *Sanders v. Sears, Roebuck & Co.*, 984 F.2d 972, 975 (8th Cir. 1993) (stating that § 1983 secures constitutional rights from government infringement, not infringement by private parties). Rules 1019 and 1007 of the Federal Rules of Bankruptcy Procedure do not vest this Court with jurisdiction or create a cognizable cause of action for Plaintiff.

“If the asserted basis of federal jurisdiction is patently meritless, then dismissal for lack of jurisdiction is appropriate.” *Biscanin v. Merrill Lynch & Co., Inc.*, 407 F.3d 905, 907 (8th Cir. 2005). Put simply, the Court’s interference in Plaintiff’s property dispute in state court is unwarranted and improper.

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED**.

Dated this 4th day of October 2024.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Case No. 4:24-cv-01235JAR

cause of action = Title 42, U.S.C., Section 1983, Color of State Law, U.S. Const., Amend. 14, Sect. 1 &


Title 11, Bankruptcy Rules 1019 and 1007

CERTIFICATE OF SERVICE

I, Jannie Robinson Tisdell, certify that the foregoing Notice of Appeal was filed with The Clerk of the Court on October 7, 2024 and a copy will be served on Defendants shown below by Mail:

Respectfully Submitted,

Signature Date: October 7, 2024


Jannie Robinsn Tisdell, Plaintiff Pro Se
5887 Washington Blvd., St. Louis, MO 63112
314-517-8228 (cell); rtservices@att.net (email)

Presiding Judge Elizabeth Byrne Hogan, Defendant
22nd Judicial Court, City of St. Louis, Civil Courts Bldg.
10 North Tucker Blvd., St. Louis, MO 63101

Assistant Presiding Judge Joseph P. Whyte, Defendant
22nd Judicial Court, City of St. Louis, Civil Courts Bldg.
10 North Tucker Blvd., St. Louis, MO 63101

Debtor Keisha N. Robinson, Defendant
109 Seville Court
Florissant, MO 63033

APP 31

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JANNIE ROBINSON TISDELL,
Applicant,

v.

ELIZABETH BYRNE HOGAN ET AL.,
Respondent.

CERTIFICATE OF SERVICE

I certify that on May 23, 2025, I served one copy
of the application for an extension of time to file a petition
for a writ of certiorari by first class mail to:

Elizabeth Byrne Hogan, 22nd Judicial Court Judge, Respondent
22nd Judicial Court, City of St. Louis, Civil Courts Building
10 North Tucker Blvd., St. Louis, MO 63101

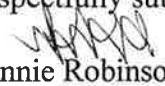
Joseph P. Whyte, 22nd Judicial Court Judge, Respondent
22nd Judicial Court, City of St. Louis, Civil Courts Building
10 North Tucker Blvd., St. Louis, MO 63101

Keisha N. Robinson, Respondent
109 Seville Court, Florissant, MO 63033

I further certify that all persons required to be served
have been served.

Signature Date: May 23, 2025

Respectfully submitted,


Jannie Robinson Tisdell
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rtservices@att.net