

No. 17-8208

IN THE
SUPREME COURT OF THE UNITED STATES

Melissa L. Burnett — PETITIONER

VS.

Bank of America Et al. — RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR REHEARING

Melissa L. Burnett
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PETITION FOR REHEARING

Pursuant to Rule 44 of this Court, Petitioner Melissa L. Burnett, Pro Se, hereby respectfully petition for rehearing of this case before a full nine-Member Court due to the political and religious experienced ramifications involved and detailed below. This petition is submitted timely and presented in good faith and not for delay. Further, the questions presented in this case are too important and would prove paramount harm to others in the religious arena as well as those of opposite political views if left unsettled and has great potential for recurring in the absence of a definitive ruling from this Court. Therefore, petitioner requests that the Court rehear this case.

1. In regards to Questions #1 and 4 - Petitioner filed her timely Notice of Appeal (hereafter NOA) on May 12, 2017 in the U.S. District Court for the Southern District of Illinois (hereafter Southern District of Illinois) on appeal to the U.S. Court of Appeals for the Federal Circuit (hereafter Federal Circuit) pursuant to FRAP 4(a)(1)(B) due to current and/or former United States Officers or employees being named in the suit, which also gave Petitioner 60 days to file her NOA (marked herein as Exhibit A and hereby made a part of this document). That on May 15, 2017, Petitioner's Appeal was docketed in the U.S. Court of Appeals for the 7th Circuit Court (hereafter 7th Circuit) (marked herein as Exhibit B and hereby made a part of this document) instead of the Federal Circuit as designated on Petitioner's NOA pursuant to FRAP 4(a)(1)(B). Further, on May 23, 2017, the 7th

Circuit mailed Petitioner a Circuit Rule 3(b) Fee Notice and instructed Petitioner to pay the \$505 docketing fee or file a motion to proceed in forma pauperis with the 7th Circuit pursuant to FRAP 24(a) (marked herein as Exhibit C and hereby made a part of this document). On May 26, 2017, the 7th Circuit issued a Rule to Show Cause Circuit Rule 3(c) Docketing Statement and ordered Petitioner to file the overdue Docketing Statement (marked herein as Exhibit D and hereby made a part of this document). At that time, Petitioner did not understand why she was receiving these notices and orders from the 7th Circuit when she had filed her NOA with the Federal Circuit. Finally, Petitioner had received correspondence from the Federal Circuit dated May 30, 2017 and June 1, 2017 stating that Petitioner did not have an appeal before their Court and that Petitioner's appeal was before the 7th Circuit and that they were returning Petitioner's letters dated May 17, 2017 and May 23, 2017 (marked herein as Exhibit E and hereby made a part of this document). Accordingly, Petitioner filed a motion (marked herein as Exhibit F and hereby made a part of this document) in the Southern District of Illinois requesting that the District Court would forward Petitioner's timely filed NOA to the Federal Circuit as designated in her NOA. The Southern District of Illinois terminated the said motion and forwarded said Motion to the 7th Circuit for ruling (marked herein as Exhibit G and hereby made a part of this document). After the 7th Circuit gave Petitioner a Rule 3(b) Notice Fee (Exhibit C), ordered Petitioner to comply to the Rule 3(c) Docketing Statement or get fined \$100 (Exhibit D). Again, on June 29,

2017, the 7th Circuit Court gave Petitioner an Order denying her right to be heard in the Federal Circuit (marked herein as Exhibit H and hereby made a part of this document). Additionally, on June 30, 2017, the Court ordered Petitioner to pay a \$100 fine or file the docketing statement (marked herein as Exhibit I and hereby made a part of this document). Petitioner did not feel that she had any other recourse but to comply with the 7th Circuit Court's (marked herein as Exhibit J and hereby made a part of this document) Orders and Notices given by the 7th Circuit to avoid being held in contempt of court, although FRAP 4(a)(1)(B) states that Petitioner could file her case in the Federal Circuit when an officer or employee of the United States is being named in the Petitioner's suit. Cleverly, the 7th Circuit Court wrote up an Order and granted it to make it look as if the Petitioner voluntarily wanted to pursue this matter in the 7th Circuit Court instead of the Federal Circuit Court (marked herein as Exhibit K and hereby made a part of this document). Then, on August 23, 2017, Judge Easterbrook stepped in for the 7th Circuit Court and denied Petitioner's Motion and Declaration for Leave to Proceed in Forma Pauperis (marked herein as Exhibit L and hereby made a part of this document), although she is an indigent person. Accordingly, Petitioner filed a Motion for Reconsideration of Court's Ruling on August 23, 2017 to Dismiss for Failure to Prosecute, Due to Plaintiff-Appellant's Obeisance and Compliance to Circuit Rule 3(b) Fee Notice Issued by the Court on May 23, 2017 (marked herein as Exhibit M and hereby made a part of this document). Unfortunately, Judge

Easterbrook denied Petitioner's previous motion on September 6, 2017 (marked herein as Exhibit N and hereby made a part of this document). This is when Petitioner filed a Motion to Recuse pursuant to 28 USC 455(b) and Canon Rule 3C(1) due to Judge Easterbrook's prior personal knowledge of the disputed evidentiary facts concerning the proceeding (marked herein as Exhibit O and hereby made a part of this document). Unfortunately, Judge Easterbrook decided to proceed without recusing himself in violation of 28 USC 455(a) where recusal is mandatory in "any proceeding in which his impartiality might reasonably be questioned." Inappropriately, Judge Easterbrook denied the Motion to Recuse himself on September 13, 2017 (marked herein as Exhibit P and hereby made a part of this document). Ultimately, Judge Easterbrook dismissed Petitioner's case (marked herein as Exhibit Q and hereby made a part of this document). That Petitioner's case should not have been dismissed, because she is an indigent person that complied with the Court's Circuit Rule 3(b) Fee Notice dated and issued to her on May 23, 2017. The aforementioned behavior by the 7th Circuit Court has impeded upon and violated Petitioner's Fifth Amendment Constitutional Right to Due Process and Fourteenth Amendment right to due process and equal protection under the laws. That Petitioner does not feel that she would get a fair trial and/or appeal of her case in the Southern District of Illinois nor the 7th Circuit Court. Judge Easterbrook stepped in to cover for Judge Pepper for some reason or another. I do not know whether he was ashamed for the Southern District of

Illinois and the 7th Circuit or if he was protecting Judge Pepper.

2. In regards to Questions #1 and 2 - There is real bankruptcy fraud and fraud upon the court hidden underneath this matter. Nonetheless, Judge Laura Grandy of the Southern District of Illinois Bankruptcy Court found cause to open the fraud case (marked herein as Exhibit R and hereby made a part of this document), but Judge Pepper shut it down to, seemingly, cover up the fraud and protect some legal members of the Democratic party. That Petitioner, nor the citizens of Madison County, IL, the Southern District of Illinois, and the 7th Circuit Court should not have to endure tax sale schemes, foreclosure schemes, and bankruptcy fraud schemes at the tune of 10,000 parcels and \$17 million that are covered up in Court and that ultimately causes citizens to lose their homes and investments in their homes and communities where no one is really held accountable for such fraud, theft, and humongous hurtful losses to the citizens under said court jurisdictions.

3. That Petitioner asks this Honorable Court to give a definitive ruling on her Question #3, "Whether the U.S. District Court for the Southern District of Illinois erred by taking Rule 60(b)(3) for Rule 60(d)(3), which has no time limitation to set aside a judgment for fraud upon the court?"

For the foregoing reasons, the petition for rehearing should be granted.

Respectfully submitted,

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**Additional material
from this filing is
available in the
Clerk's Office.**