

APR 16 2025

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24A1028  
Case No.

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In the  
United States Supreme Court

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Mawule Tepe,

*Plaintiff—Applicant,*

v.

Clifton Leland Corker, Travis R. McDonough, Katherine A. Crytzer, Curtis L. Collier, Susan K. Lee, Christopher H. Steger, Danny J. Boggs, Richard Allen Griffin, Andre B. Mathis, John K. Bush, Eric E. Murphy, Eric L. Clay, David W. McKeague, John B. Nalbandian, Ronald Lee Gilman, Julia Smith Gibbons, Chad A. Readler, Deborah S. Hunt Monica M. Page, Paris Laron Robinson, Michelle Lambert, Leanna Wilson, the U. S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE; the U. S. COURT OF APPEALS FOR THE SIXTH CIRCUIT; STATE OF TENNESSEE; STATE OF OHIO; DEPARTMENT OF JUSTICE; UNITED STATES OF AMERICA; Lucille Lattimore Nelson, William Stewart Rutchow, OGLETREE DEAKINS NASH SMOAK & STEWART P.C., Emily Louise Nenni, Michael D. Slodov, JAVITCH BLOCK LLC; Frankie Neil Spero, BRADLEY ARANT BOULT CUMMINGS LLP, Derek Wayne Mullins, Justin Michael Sveadas, BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ P.C., BANK OF AMERICA; TRUIST FINANCIAL CORPORATION; WHIRLPOOL CORPORATION.

*Defendants - Respondents*

To the Honorable John G. Roberts, Jr, the Associate Justice of the Supreme Court  
Of the United States and Circuit Justice for the Fourth Circuit

Application from the U.S. Court of Appeals for the Fourth Circuit (No. 25-1211)

**EMERGENCY APPLICATION FOR INJUNCTION RELIEF PENDING RESOLUTION  
OF THE CASE *TEPE V. CORKER ET AL.*, No. 3:23-CV-00423-FDW-DCK.**

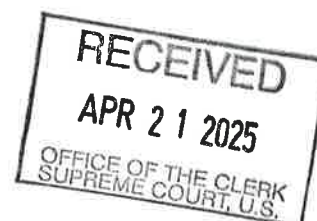
**IMMEDIATE RELIEF REQUESTED**

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## QUESTIONS PRESENTED

Whether Applicant is entitled to preliminary injunctive relief to enjoin the Fourth Circuit Court of Appeals (or FCCA) to stop unconstitutionally allowing its Deputy Clerks including the Deputy Clerk Nwamaka Anowi to issue orders and/or judgments on behalf of its Federal Judges pending resolution of the case *Tepe v. Corker et al.*, No. 3:23-CV-00423-FDW-DCK. And Did FCCA err in not enjoining the Deputy Clerk Nwamaka Anowi to stop the unconstitutional issuance of UNPUBLISHED ORDERS and JUDGMENTS on behalf of FCCA and/or its Federal Judges, and thereby subject Applicant to a here-and-now injury that cannot be remedied after the proceeding is over?

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ISSUE PRESENTED: Whether Applicant is entitled to preliminary injunctive relief to prevent FCCA Deputy Clerks including the Deputy Clerk Nwamaka Anowi, to stop issuing orders and/or judgments, pending resolution of the case *Tepe v. Corker et al.*, No. 3:23-CV-00423-FDW-DCK.

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### **III. LIST OF PARTIES AND RELATED CASES**

- A. Before 4<sup>th</sup> Cir. Court of Appeals:**      *Mawule Tepe v. Clifton Corker et al.*, No. 25-1211,  
*Mawule Tepe v. Clifton Corker et al.*, No. 23-1976,  
*In re: Mawule Tepe*: No. 24-1088,  
*In re: Mawule Tepe*: No. 24-1410.

1        The Petitioner Mawule Tepe (“Tepe”) is a Pro Se Litigant and being a former Whirlpool Corporation employee, a Former Bank of America Credit Card holder, and Truist Financial Corporation Debit Card Holder.

2        The Respondents are Clifton L. Corker, Travis R. McDonough, Katherine A. Crytzer, Curtis L. Collier, Susan K. Lee, Christopher H. Steger, Danny J. Boggs, Richard Allen Griffin, Andre B. Mathis, John K. Bush, Eric E. Murphy, Eric L. Clay, David W. Mckeague, John B. Nalbandian, Ronald Lee Gilman, Julia Smith Gibbons, Chad A. Readler, Deborah S. Hunt, Monica M. Page, Paris Laron Robinson, Michelle Lambert, Leanna Wilson, U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE; U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT; STATE OF TENNESSEE; STATE OF OHIO; DEPARTMENT OF JUSTICE; UNITED STATES; Lucille Lattimore Nelson, William Stewart Rutchow, OGLETREE DEAKINS NASH SMOAK & STEWART P.C., Emily Louise Nenni, Michael D. Slodov, JAVITCH BLOCK LLC; Frankie Neil Spero, BRADLEY ARANT BOULT CUMMINGS LLP, Derek Wayne Mullins, Justin Michael Sveadas, BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ P.C., BANK OF AMERICA, TRUIST FINANCIAL CORPORATION, and WHIRLPOOL CORPORATION.

### **IV. CORPORATE DISCLOSURE STATEMENT**

Tepe states that he is not a corporation.

## V. TABLE OF AUTHORITIES

### CASES

*HARRIS & HILTON, P.A. V. RASSETTE*, 252 N.C. APP. 280, 284 (N.C. CT. APP. 2017).

*Middleton Paper Co. v. Rock River Paper Co.* (19 F. 252, hn. 1 (C.C.W.D. Wisconsin 1884).

*Scanbe Mfg. Co. v. Tryon*, 400 F.2d 598 (9<sup>th</sup> Cir. 1968

*World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980)

*Pennoyer v. Neff*, 95 U.S. 714, 732-733 (1878)

*Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).

*FTC v. Dean Foods Co.*, 384 U.S. 597 (1966).

. *Canal Authority of State of Florida v. Callaway*, 489 F.2d 567, 572-73 (5th Cir. 1974).

*Matthews v. Rodgers*, 284 U.S. 521, 525 (1932)

*Aircraft & Diesel Equipment Corp. v. Hirsch*, 331 U.S. 752 (1947)

*Porto Rico Telephone Co. v. P.R. Communications Auth.*, 189 F.2d 39 (1st Cir.), cert. denied, 342 U.S. 830 (1951).

*County of Santa Barbara v. Hickel*, 426 F.2d 164 (9th Cir. 1970), cert. denied, 400 U.S. 499 (1971)

*Sampson v. Murray*, 415 U.S. 61, 90 (1974).

*Louisiana Environmental Society, Inc. v. Coleman*, 524 F.2d 930, 933 (5th Cir. 1975).

*Sierra Club v. Morton*, 405 U.S. 727 (1972)

*Tenn. Scrap Recyclers Ass'n. v. Bredesen*, 556 F.3d 442, 447 (6th Cir. 2009)

*Denver Area Meat Cutters and Employers Pension Plan ex rel. Clayton Homes, Inc. v. Clayton*, 120 S.W.3d 841, 857 (Tenn. Ct. App. 2003).

*Nanoexa Corp. v. Univ. of Chi.*, 2010 U.S. Dist. LEXIS 95688, at \*8 (N.D. Cal. Aug. 27, 2010).

*SEC v. Banc de Binary, Ltd.*, 964 F. Supp. 2d 1229, 1232 (D. Nev. 2013).

*Colo. River Indian Tribes v. DOI*, 2015 U.S. Dist. LEXIS 182548, at \*99 (C.D. Cal. June 11, 2015).

*Guzman v. Shewry*, 552 F.3d 941, 948 (9th Cir. 2009).

*EEOC v. Evans Fruit Co.*, 2010 U.S. Dist. LEXIS 146991, at \*21–22 (E.D. Wash. Oct. 26, 2010).

*Small v. Avanti Health Sys., LLC*, 661 F.3d 1180, 1191 (9th Cir. 2011).

*Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014).

*Disney Enters. v. Vid Angel, Inc.*, 224 F. Supp. 3d 957, 975 (C.D. Cal. 2016).

*Amylin Pharm., Inc. v. Eli Lilly & Co.*, 456 F. App'x 676, 679 (9th Cir. 2011).

*Rubin ex rel. NLRB v. Vista Del Sol Health Servs., Inc.*, 80 F. Supp. 3d 1058, 1100-01 (C.D. Cal. 2015).

*Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1138 (9th Cir. 2009).

*Gold Club-SF, LLC v. Platinum SJ Enter.*, 2013 U.S. Dist. LEXIS 134379, at \*37 (N.D. Cal. Sep. 18, 2013).

*De Vico v. United States Bank*, 2012 U.S. Dist. LEXIS 155622, at \*22 (C.D. Cal. Oct. 29, 2012).

*. Scotts Co. v. United Indus. Corp.*, 315 F.3d 264, 284 (4th Cir. 2002)

*Mitchell v. Cate*, 2014 U.S. Dist. LEXIS 87274, at \*28 (E.D. Cal. June 25, 2014)

*Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013)

*Moltan Co. v. Eagle-Picher Indus.*, 55 F.3d 1171, 1176 (6th Cir. 1995)

*[Aetna] Insurance Company vs. Hallock* 73 U.S. 556 (1869).

## **VII. JURISDICTION**

Injunctive relief may also be sought from this Honorable Court under the All Writs Act, 28 U.S.C. § 1651(a). See, e.g., *FTC v. Dean Foods Co.*, 384 U.S. 597 (1966).

## **VIII. PROVISIONS**

### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**I. The Due Process Clause of the U.S. Const. Amend. V:** “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.. “

**II. The U.S. Const. amend. VI:** The Sixth Amendment to the U.S. Constitution guarantees the right to obtain evidences, to confront and to challenge the opposing parties, and to equal access to the court.

**III. U.S. Constitution Article VI, Clause 2,**

**IV. The Separation of Powers Provisions in the Constitution**

**Article I, Section. 1:**

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**Article II, Section. 1:**

The executive Power shall be vested in a President of the United States of America.



**Article III, Section. 1:**

The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

**Statutes**

28 U.S. Code § 1254

28 U.S.C. § 1691

F.R.C.P. RULE 15(a)(1)(A)&(b)

N.C. GEN. STAT. § 84-4 AND N.C. GEN. STAT. § 84-5

Electronic Case Filing System of FCCA Local Rule 25(a)(5):

**To the Associate Justice of the U.S. Court of Appeals for the 4<sup>th</sup> Circuit:**

This Emergency Application for Injunctive Relief Request is triggered by the repeated unconstitutional and abusive action of FCCA and its Deputy Clerk Nwamaka Anowi in the following respective USCA4 cases: *Mawule Tepe v. Clifton Corker et al.*, No. 25-1211, *In re: Mawule Tepe*: No. 24-1088, *In re: Mawule Tepe*: No. 24-1410, and *Mawule Tepe v. Clifton Corker et al.*, No. 23-1976 as this latest Deputy Clerk keeps issuing an unconstitutional and **UNPUBLISHED** orders and judgments on behalf FCCA's Federal Judges without tackling and resolving the main issues upon which these latest cases are filed.

On July 14, 2023, Plaintiff Mawule Tepe (or Applicant) has filed a lawsuit, before the WDNC, against 42 Defendants including EDTN, and SCCA on the ground that these latest Federal Courts have implemented Policies or Mandates that implicitly delegate Federal Judges' functions of issuing orders/judgements to Deputy Clerks. See *Mawule Tepe v. Clifton Corker et al.*, No. 3:23-cv-00423-RJC-DCK.

Upon the filing of the lawsuit, it appears WDNC has not only failed to fulfill the ministerial functions owed to Applicant but also WDNC has failed to try the case. For the instance:

- It appears in this latest case that Corporations such as Ogletree Deakins Nash Smoak & Stewart P.C., Javitch Block LLC, Bradley Arant Boult Cummings LLP, and Baker Donelson Bearman Caldwell & Berkowitz P.C. represent themselves as Pro se litigants, advocates, and witnesses at the same time. Such representation is prohibited under North Carolina law N.C. Gen. Stat. § 84-4 and N.C. Gen. Stat. § 84-5” *Harris & Hilton, P.A. v. Rasette*, 252 N.C. App. 280, 284 (N.C. Ct. App. 2017). Applicant has requested WDNC to disqualify them but, WDNC has unlawfully denied Applicant's request.

- Besides this, it appears on the docket that the respective representatives of Defendants Ogletree Deakins Nash Smoak & Stewart P.C., Javitch Block LLC, Bradley Arant Boult Cummings LLP, and Baker Donelson Bearman Caldwell & Berkowitz P.C. are not admitted to practice law before WDNC. Applicant has requested WDNC to disqualify them but, WDNC has unlawfully denied Applicant's request.
- Applicant would like to amend his complaint as matter of right pursuant to F.R.C.P. Rule 15(A)(1)(A)&(B) against the respective Defendants; however, WDNC has prohibited Applicant from amending his complaint as matter of right, and it has even implemented unconstitutional sanctions and restrictions against Applicant.
- Moreover, Applicant has requested WDNC to schedule a case management conference since some of Defendants has filed an answer to the complaint; However, WDNC has refused to schedule a case management conference two consecutive times.
- Furthermore, it appears the Honorable US Magistrate Judge David Keesler has failed to recuse himself for failure to disclose his Oath of Office, Surety Bond, and Foreign Registration and Anti-Bribery Statement with Affidavit in Support, and having a prejudice toward Applicant. Applicant has requested the recusal of the magistrate judge but he has refused to do so. FCCA also has failed to compel him to recuse himself.

Applicant has filed an appeal (USCA4 No. 23-1976) as well as a Petition for Writ of Quo Warranto, Writ of Mandamus, and Writ of Prohibition (USCA4 No. 24-1088) to have FCCA addressed these latest issues. However, the Deputy Clerk Nwamaka Anowi (not a Judge) has issued **UNPUBLISHED** orders and Judgments dismissing these latest cases on unconstitutional and baseless grounds. The order and judgment were issued and docketed pursuant to Local Rule

25(a)(5) of the Fourth Circuit Internal Operating Procedures that Applicant Mawule Tepe finds abusive, and unconstitutional. See **APPENDIX 1** – Unpublished Order & judgment issued in the case USCA4 No. 23-1976, and **APPENDIX 2** – the one issued in the case USCA4 No. 24-1088.

Apart from these, Applicant has requested WDNC to vacate the cases proceeding pending before EDTN & SCCA on a constitutional bases in order to permit him to refile his claims before it; however, WDNC has refused to rule on Applicant's motion to vacate. Applicant has filed a Petition for Writ of Mandamus before FCCA to compel WDNC to rule on the pending motion to vacate; however, the Deputy Clerk Nwamaka Anowi (not a Judge) has issued **UNPUBLISHED** orders and Judgments dismissing the Petition unconstitutionally and baselessly. See *in re: Mawule Tepe*: USCA4, No. 24-1410. See **APPENDIX 3**. The order and judgment were issued and docketed pursuant to Local Rule 25(a)(5) of the Fourth Circuit Internal Operating Procedures that Appellant Mawule Tepe finds abusive, and unconstitutional.

In addition, on January 2, 2024, Applicant has filed a MOTION to Set and/or MOTION for Scheduling Order and MOTION for Pretrial Conference before WDNC. See *Tepe v. Clifton et al.*, No. 3:23-cv-00423-RJC-DCK; ECF No. 120. This latest motion was denied without prejudice. ECF No. 122.

The case is still open, and it is over a year now that Honorable Senior District Judge Robert J. Conrad, Jr is failing to perform his job to schedule a case management conference. On February 7, 2025, a year later, Applicant has re-filed again the MOTION to Set and/or MOTION for Scheduling Order and MOTION for Pretrial Conference. See *Tepe v. Clifton et al.*, No. 3:23-cv-00423-RJC-DCK; ECF No. 148. Instead of addressing the case management's request's issue, Honorable Senior District Judge Robert J. Conrad, Jr has closed the case even though there is no final judgment on the docket.

On around March 12, 2025, Applicant has filed an interlocutory appeal pursuant to 28 U.S.C. § 1292(b), and according to the Court of Appeals Miscellaneous Fee Schedule Rule (1)(2<sup>nd</sup> paragraph), the appeal is supposed to be docketed free of charge. However, WDNC has denied the request to docket the appeal for free, and the case was sent before FCCA.

Upon reception of the case, FCCA has created the appellate case USCA4 25-1211, and the Deputy Clerk Nwamaka Anowi (not a Judge) has issued an order on behalf of FCCA, in violation of the Court of Appeals Miscellaneous Fee Schedule Rule (1)(2<sup>nd</sup> paragraph), requesting Applicant to pay the docketing fees of \$605 or to file an application to proceed in forma pauperis along with Financial Affidavit in support which is not mandatory and not required under the Court of Appeals Miscellaneous Fee Schedule Rule (1)(2<sup>nd</sup> paragraph). See USCA4, *Tepe v. Clifton et al.*, No. 25-1211, ECF No. 2. See **APPENDIX 4**.

On March 12, 2025, Applicant has filed a Motion to Appeal in Forma Pauperis. See USCA4, *Tepe v. Clifton et al.*, No. 25-1211, ECF No. 6, or **APPENDIX 5**. However, the Deputy Clerk Nwamaka Anowi has issued an order on behalf of FCCA denying the motion unconstitutionally without explanation. See USCA4, *Tepe v. Clifton et al.*, No. 25-1211, ECF No. 7, or **APPENDIX 6**. The order is issued and docketed pursuant to Local Rule 25(a)(5) of the Fourth Circuit Internal Operating Procedures that Applicant Mawule Tepe finds abusive, and unconstitutional.

Following the **repeated unconstitutional** denial of this latest motions, Applicant has filed Objections, Motion for Clarification, and Motion for reconsideration. Besides this, Applicant has also filed an application for injunction relief seeking to enjoin the Deputy Clerk Nwamaka Anowi to stop issuing unconstitutional orders and/or to enjoin FCCA to stop allowing its Deputy Clerk Nwamaka Anowi to issue orders on Federal Judges' behalf.

However, on April 3, 2025, the Deputy Clerk Nwamaka Anowi (not a Judge) has issued an order on behalf of FCCA ruling on both (i) Objections, motion for clarification and for reconsideration, as well as (ii) the application for injunction relief, and she denied both motions.

In her ruling, she states as follow:

Upon consideration of the submissions relative to appellant's motion to reconsider the March 12, 2025, order and appellant's motion for injunctive relief pending appeal, the court denies the motions.

For the Court  
/s/ Nwamaka Anowi, Clerk

See USCA4, *Tepe v. Corker et al.*, No. 25-1211, ECF No. 19, or **APPENDIX 7**.

As presented, it is not the responsibility of the Deputy Clerk Nwamaka Anowi to issue orders and/or judgment on behalf of FCCA, and it is not the function of a Deputy Clerk to rule on objections, motions, and application for injunctive relief. Thus, she must be enjoined from issuing any order in this case moving forward. Besides this, FCCA also needs be enjoined to stop empowering its Deputy Clerks to issue orders and/or judgments on its behalf.

## **IX. OPINION BELLOW**

As presented above, it appears that orders and/or judgments issued by the Deputy Clerk Nwamaka Anowi in the USCA4 cases 23-1976, 24-1410, 24-1088, and 25-1211 were issued in violation of the due process. She lacks authority to issue such orders/judgments. See FRAP Rule 45. According to FRAP Rule 45, the role of a Deputy Clerk is limited to Record keeping, Calendar preparation, Notice of entry, Record and paper custody, Record preservation.

It appears that the respective orders and/or judgments issued by the Deputy Clerk Nwamaka Anowi or FCCA have failed to address the main issues raised by the Applicant. Thus,

the Deputy Clerk Nwamaka Anowi must be enjoined from taking any further action in this case. If a decision is needed to be made in this case, the Presiding Judges have the responsibility to issue the dire order(s). As presented, FCCA and its Deputy Clerk Nwamaka Anowi have unconstitutionally deviated from procedural due process in violation of Applicant's fundamental rights under the 5<sup>th</sup> Amendment.

It also appears that orders and/or judgments issued by the Deputy Clerk Nwamaka Anowi are docketed pursuant to local rule 25(a)(5) of the fourth circuit internal operating procedures that Applicant Mawule Tepe finds abusive, and unconstitutional for having taken precedent over the Federal law 28 U.S.C. § 1691, (which is the supreme law of the land according to the U.S. Constitution (Article VI, Clause 2)), that states all orders and judgments from any court in the United States must have a judge of the court signature or it lacks legal force.

In the following paragraphs, Applicant Mawule Tepe will present the ground upon which this Application for Injunctive Relief should be granted.

This Application is not seeking the review of the merit of any cases, but an order enjoining FCCA and their respective Deputy Clerks to stop issuing unconstitutional order/Judgments on behalf of Federal Judges, and if needed to enjoin FCCA to stop the implementation and the application/enforcement of the local rule 25(a)(5) of the fourth circuit internal operating procedures since it is unconstitutional. This latest Policy or Mandate is the main rule that empowers Deputy Clerk to carry out their respective unconstitutional actions.

#### **ISSUE PRESENTED**

Whether Applicant is entitled to preliminary injunctive relief to prevent the Deputy Clerk Nwamaka Anowi and FCCA Deputy Clerks, to stop issuing orders and/or judgments, pending resolution of the case *Tepe v. Corker et al.*, No. 3:23-CV-00423-FDW-DCK.

According to the Separation of Powers Provisions in the Constitution Article I, Section. 1,

all legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives, and according to Article II, Section. 1, the executive Power shall be vested in a President of the United States of America, and as per Article III, Section. 1, the judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

As presented, it appears that FCCA is part of the judicial branches pursuant to Article III, Section 1, and not a part of the Legislative branches. Therefore, this latest Federal Court cannot implement policies that override and/or take precedent over the Federal law 28 U.S.C. § 1691 which is the supreme law of the land according to the U.S. Constitution (Article VI, Clause 2).

As presented below, pursuant to Article I, Section. 1 and Article III, Section. 1 of the U.S. Constitution, the FCCA lacks the constitutional authority to implement policies that has a legal force to take precedent over the Supreme law of land since the legislative power is not vested in the Federal Court which are a part of judicial branches.

As presented, it clearly appears that the FCCA has overstepped its authority and has infringed over the due process rights of Applicant under the 5<sup>th</sup> Amendment. It is well settled that: a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument. "*Marbury v. Madison*, 1 Cranch 137 (1803).

**According to Electronic Case Filing System of FCCA Local Rule 25(a)(5):**

Except as otherwise provided by local rule or Court order, all orders, decrees, opinions, judgments, and proceedings of the Court relating to cases filed and maintained in the CM/ECF system will be filed electronically in accordance with these rules, which will constitute entry on the docket kept by the clerk under FRAP 36 and 45(b).

Any order or other Court-issued document filed electronically without the original signature of a judge or authorized court personnel has the same force and effect as if the judge or clerk had signed a paper copy of the order.



However, according to the Federal law 28 U.S.C. § 1691, (which is the supreme law of the land according to the U.S. Constitution (Article VI, Clause 2)), all orders and judgments from any court in the United States must have a judge of the court signature or it lacks legal force. **The Supremacy Clause of the Constitution of the United States (Article VI, Clause 2) establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the "supreme Law of the Land", and thus take priority over any conflicting laws.**

According to the title 28 U.S.C. § 1691, 62 Stat. 945, all writs (or Orders) from any court in the United States must have a clerk of the court stamp and judicial signature or it lacks legal force. Citing: *Middleton Paper Co. v. Rock River Paper Co.* (19 F. 252, hn. 1 (C.C.W.D. Wisconsin 1884)). The district court held that 'the injunction signed only by a deputy clerk of the District Court is void' for want of a judicial signature. The Section 1691 of Title 28, U.S.C. (which was not called to the attention of the district court) provides that 'All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof.

In view of the clear provisions of the statute, the judgment must be reversed." Citing (*Scanbe Mfg. Co. v. Tryon*, 400 F.2d 598 (9<sup>th</sup> Cir. 1968)). By definition a writ is an order as per Black Law Dictionary. Thus, orders/writs must be signed by judges before being docketed according to the due process prescribed under 28 U.S.C. § 1691, and Federal Rule of Civil Procedures Rule 58. Even in the State of Tennessee, the Rule 58 of Tennessee Rule of Civil Procedures requires Judges to sign orders and Judgments upon issuances. Likewise in North Carolina and in Virginia where FCCA is located.

As presented, Policies or mandate implemented by FCCA or by its federal Judges override and take precedent over the Federal law 28 U.S.C. § 1691, and the U.S. Constitution and/or the Supreme law of the land since it no longer requires a judicial signature. Therefore, any orders

and/or judgments issued in Tepe's cases by FCCA pursuant to its Mandate or Policies are ***de facto*** **void and null** and **invalid**. In the case *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980) the U.S. Supreme Court has ruled that "A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere. *Pennoyer v. Neff*, 95 U.S. 714, 732-733 (1878)." Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." *Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828). Therefore, Applicant respectfully requests this court to grant this Application for injunctive relief enjoining the Deputy Clerk Nwamaka Anowi and any other FCCA Deputy Clerks to stop issuing orders on Federal Judges' behalf.

Moreover, it appears that there is no court's seal on orders/judgment issued by FCCA, violating Applicant Mawule Tepe's substantial due process rights. **In the case *[Aetna] Insurance Company vs. Hallock* 73 U.S. 556 (1869), the U.S. supreme has ruled that it is void, if the seal is defined in the statutes and it is required on certain processes and not used, then those processes are void for not getting substantial due process.**

It appears that the Federal Law 28 U.S.C. § 1691 mandates the judicial signature including the court's seal. However, none of orders/judgments issued by FCCA and the Deputy Clerk Nwamaka Anowi bears the court's seal upon issuance and before being docketed; thus, FCCA and the Deputy Clerk Nwamaka Anowi have deprived Tepe of his substantial due process rights.

Relying on all these latest precedent legal arguments, Applicant Mawule Tepe prays the U.S. Supreme Court to grant this Application. It is an unconstitutional mistake for FCCA not to

grant Tepe's application for injunctive relief. Thus, this honorable court must intervene to resolve the issue.

### **LEGAL STANDARD**

A preliminary injunction is an extraordinary and drastic remedy. *Canal Authority of State of Florida v. Callaway*, 489 F.2d 567, 572-73 (5th Cir. 1974). No injunction will issue if there is an adequate remedy at law. See *Matthews v. Rodgers*, 284 U.S. 521, 525 (1932); *Aircraft & Diesel Equipment Corp. v. Hirsch*, 331 U.S. 752 (1947); *Porto Rico Telephone Co. v. P.R. Communications Auth.*, 189 F.2d 39 (1st Cir.), cert. denied, 342 U.S. 830 (1951). Irreparable injury is an essential prerequisite to the issuance of a preliminary injunction. *County of Santa Barbara v. Hickel*, 426 F.2d 164 (9th Cir. 1970), cert. denied, 400 U.S. 499 (1971). Temporary loss of income or other alleged injury involving only the loss of money is not irreparable injury. *Sampson v. Murray*, 415 U.S. 61, 90 (1974). The injury alleged must be immediate and non-speculative. *Louisiana Environmental Society, Inc. v. Coleman*, 524 F.2d 930, 933 (5th Cir. 1975). There must be a convincing showing of irreparable injury, and mere litigation expense will not suffice. *Sierra Club v. Morton*, 405 U.S. 727 (1972). Even if there will be irreparable injury, the granting of a temporary injunction is not a matter of right and may be refused in the exercise of judicial discretion.

In considering whether to grant a preliminary injunction or temporary restraining order, courts weigh the following four factors: (1) whether the movant has demonstrated a likelihood of success on the merits; (2) whether the movant will suffer irreparable harm if the injunction is not issued; (3) whether the injunction will cause substantial harm to others if it is issued; and (4) whether granting the injunction will serve the public interest. See *Tenn. Scrap Recyclers Ass'n. v.*

*Bredesen*, 556 F.3d 442, 447 (6th Cir. 2009); see also *Denver Area Meat Cutters and Employers Pension Plan ex rel. Clayton Homes, Inc. v. Clayton*, 120 S.W.3d 841, 857 (Tenn. Ct. App. 2003). The factors to be weighed in considering whether to grant a temporary restraining order and a preliminary injunction are the same. See *Ohio Republican Party v. Brunner*, 543 F.3d 357, 361 (6th Cir. 2008).

#### **A. THE APPLICANT AS THE MOVANT IS LIKELY TO SUCCEED ON THE MERITS**

In order to succeed on its request for a preliminary injunction, movant must make a clear showing that it is likely to succeed on the merits. *Nanoexa Corp. v. Univ. of Chi.*, 2010 U.S. Dist. LEXIS 95688, at \*8 (N.D. Cal. Aug. 27, 2010).

In a typical case, the court would require a movant to show that he is more likely than not to succeed on the merits. *SEC v. Banc de Binary, Ltd.*, 964 F. Supp. 2d 1229, 1232 (D. Nev. 2013).

Whether a claim on the merits is strong enough depends on the balance of harms: the more net harm an injunction can prevent, the weaker the plaintiff's claim on the merits can be while still supporting some preliminary relief. *Colo. River Indian Tribes v. DOI*, 2015 U.S. Dist. LEXIS 182548, at \*99 (C.D. Cal. June 11, 2015).

At an irreducible minimum, the moving party must demonstrate a fair chance of success on the merits or questions serious enough to require litigation. *Guzman v. Shewry*, 552 F.3d 941, 948 (9th Cir. 2009).

Serious questions refers to questions that cannot be resolved one way or the other at the hearing on the injunction and as to which the court perceives a need to preserve the status quo lest one side prevent resolution of the questions or execution of any judgment by altering the status

quo. *EEOC v. Evans Fruit Co.*, 2010 U.S. Dist. LEXIS 146991, at \*21–22 (E.D. Wash. Oct. 26, 2010).

Serious questions are substantial, difficult, and doubtful, so as to make them a fair ground for litigation and thus for more deliberative investigation. Serious questions need not promise a certainty of success, nor even present a probability of success, but must involve a fair chance of success on the merits. *EEOC v. Evans Fruit Co.*, 2010 U.S. Dist. LEXIS 146991, at \*22 (E.D. Wash. Oct. 26, 2010).

As presented above, the Rule 45 of the Federal Rules of Appellate Procedure (FRAP) covers the duties of a clerk, and deputy clerks such as:

- **Record keeping**

Deputy clerks record all papers filed with the clerk, as well as all orders, judgments, and processes

- **Calendar preparation**

Deputy clerks prepare a calendar of cases awaiting argument, giving preference to criminal cases and other proceedings that are entitled to preference by law

- **Notice of entry**

Deputy clerks serve a notice of entry on each party after an order or judgment is entered, and note the date of service on the docket

- **Record and paper custody**

Deputy clerks are responsible for the custody of the court's records and papers, and must not allow original records or papers to be removed from the clerk's office without court order

- **Record preservation**

Deputy clerks must preserve copies of any briefs, appendixes, or other filed papers.

As presented, there is no law or rule mandating a Deputy Clerk to issue a ruling and orders to dismiss appeals, Petitions, and motions. It is the responsibility of a Judge to issue an order. Thus, FCCA's Deputy Clerks including Nwamaka Anowi need to be enjoined to stop issuing orders and/or judgments.

According to Section 1691 of Title 28, U.S.C., “All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof.” In *Scanbe Manufacturing Co. v. Tryon*, the U.S. Court of Appeals for the Ninth Circuit ruled that:

The district court held that "the injunction signed only by a deputy clerk of the District Court is void" for want of a judicial signature. Section 1691 of Title 28, U.S.C. (which was not called to the attention of the district court) provides that "All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof" (emphasis added). In view of the clear provisions of the statute, the judgment must be reversed.

See *Scanbe Manufacturing Co. v. Tryon*, 400 F.2d 598 (9th Cir. 1968).

As presented, with all due respect, there is no legal base for the Deputy Clerk Nwamaka Anowi to issue an order and to deny the appeal and motion to proceed in forma pauperis.

Applicant is likely to succeed on the merit of this case as the same argument is made before WDNC. Bases on the evidences provided in Appendixes, Applicant will win on the merit, and the cases' proceeding will be vacated for lack of jurisdiction, and Applicant will be compensated if justice is properly served. Thus, this Emergency Application for Injunctive Relief needs to be granted.

#### **B. APPLICANT IS SUFFERING AND WILL KEEP SUFFERING IRREPARABLE HARM IN ABSENCE OF A PRELIMINARY INJUNCTION**

A court cannot grant an injunction unless the movant has shown that irreparable harm is likely; the possibility of harm is insufficient to meet the movant's *Burden*. *Small v. Avanti Health Sys., LLC*, 661 F.3d 1180, 1191 (9th Cir. 2011).

Irreparable harm is traditionally defined as harm for which there is no adequate legal remedy, such as an award of damages. Because intangible injuries generally lack an adequate legal remedy, intangible injuries may qualify as irreparable harm. *Ariz. Dream Act Coal. v. Brewer*, 757

F.3d 1053, 1068 (9th Cir. 2014).

Speculative injury does not constitute irreparable injury that is sufficient to warrant granting a preliminary injunction. *Disney Enters. v. Vid Angel, Inc.*, 224 F. Supp. 3d 957, 975 (C.D. Cal. 2016).

To support injunctive relief, harm must not only be irreparable, it must be imminent; establishing a threat of irreparable harm in the indefinite future is not enough. Rather, a plaintiff must demonstrate immediate threatened injury as a prerequisite to preliminary injunctive relief. *Amylin Pharm., Inc. v. Eli Lilly & Co.*, 456 F. App'x 676, 679 (9th Cir. 2011).

To demonstrate immediate threatened injury as a prerequisite to preliminary injunctive relief, a plaintiff must proffer probative evidence that the threatened injury is imminent and irreparable. Conclusory affidavits are insufficient to demonstrate irreparable harm. *Rubin ex rel. NLRB v. Vista Del Sol Health Servs., Inc.*, 80 F. Supp. 3d 1058, 1100-01 (C.D. Cal. 2015).

As presented, Applicant is already suffering irreparable harm since not only, he is deprived of his due process rights under the 5<sup>th</sup> amendments but also, he is denied access to the court, and he is prevented from challenging and confronting the opposing Parties. He is also deprived of speedy trial. In addition, Applicant is forced to spend financial resources to file Petitions and appeals with FCCA and soon with the U.S. Supreme Court. He is also inflicted unnecessary cases' resolution delay. It is well established that "Justice delayed is Justice Denied." As presented, Applicant is denied justice by WDNC, and now by FCCA and its Deputy Clerk Nwamaka Anowi. Thus the U.S. Supreme Court must intervene to remediate the situation by stopping the unlawful usurpation of jurisdiction of the Deputy Clerk Nwamaka Anowi in order to prevent her unlawful issuance of orders.

As presented above, WDNC is not willing to schedule case management conference to



address Tepe's claims, and FCCA also has failed to address the issue. If the U.S. Supreme fails to intervene, and if this Application for Injunctive Relief is not granted, Applicant will keep suffering from unnecessary delays, and unnecessary financial burden. Thus Applicant respectfully requests this honorable court to intervene.

### **C. THE BALANCE OF EQUITIES TIPS IN THE APPLICANT'S FAVOR**

In assessing whether the Applicant have met this burden, the court has a duty to balance the interests of all parties and weigh the damage to each. *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1138 (9th Cir. 2009). The relative size and strength of each enterprise may be pertinent to this inquiry. *Gold Club-SF, LLC v. Platinum SJ Enter.*, 2013 U.S. Dist. LEXIS 134379, at \*37 (N.D. Cal. Sep. 18, 2013). The court must evaluate the interim harm the respondents/Defendants are likely to sustain if the injunction is granted and compare it with the harm the plaintiff is likely to suffer if an injunction does not enter. *De Vico v. United States Bank*, 2012 U.S. Dist. LEXIS 155622, at \*22 (C.D. Cal. Oct. 29, 2012).

The real issue is the degree of harm that will be suffered by the plaintiff or the defendant if the injunction is improperly granted or denied. *Scotts Co. v. United Indus. Corp.*, 315 F.3d 264, 284 (4th Cir. 2002). If the balance of hardships tips strongly in a defendant's favor, a plaintiff is required to demonstrate a stronger likeliness of success on the merits. *Mitchell v. Cate*, 2014 U.S. Dist. LEXIS 87274, at \*28 (E.D. Cal. June 25, 2014). If an applicant can only show that there are serious questions going to the merits—a lesser showing than likelihood of success on the merits—then a preliminary injunction may still issue if the balance of hardships tips sharply in the applicant's favor and the other two Winter factors are satisfied. *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013) (emphasis in original).



As presented above and in the respective Appendixes, the Deputy Clerk Nwamaka Anowi keeps issuing unconstitutional orders depriving Applicant of his fundamental rights. She is causing unnecessary case resolution delay for no reason. She has also forced Applicant to incur needless costs in this litigation. Applicant has paid for all above mentioned USCA4 cases. Applicant should not have made all those expenses including the countless resources and time he has already wasted on this litigation due to the unconstitutional action of FCCA and its Deputy Clerk Nwamaka Anowi.

Granting this application or issuing an injunctive order will make FCCA and its Deputy Clerk Nwamaka Anowi comply with laws and the FRAP Rule 45 moving forward. Besides this, FCCA will also act appropriately to have its Federal Judges to play their roles when it comes to ruling and issuing orders/judgments. Thus, Applicant prays the Court to issue an order enjoining FCCA and its Deputy Clerk Nwamaka Anowi to stop their unlawful action.

#### **D. THE INJUNCTION IS IN THE PUBLIC INTEREST**

As argued above, the remaining questions are largely moot because of the substantial likelihood that Applicant will prevail on his claims. For example, the FRAP Rule 45 clearly defined the role of the Deputy Clerk Nwamaka Anowi, and the Federal Law 28 U.S. Code § 1691 provides a guidance on how orders/judgments should be issued and who has the responsibility to issue orders/judgments.

The public interest is served by the granting of the injunction because the public "as a whole has a significant interest in ... a protection against usurpation of subject matter jurisdiction by the Deputy Clerk Nwamaka Anowi. It is in the public interest to see FCCA's Federal Judges perform their jobs. Pro Se Parties and the public will be reassured through the court's ruling that they can legally have justice served if some Deputy Clerks including Nwamaka Anowi

unlawfully usurp power. Issuing this injunction will serve Applicant's interest and the interest of the Public since it will prevent FCCA's Deputy Clerk and Federal Judges from acting unconstitutionally. It will also demonstrate to the Public that No man is above the law, and no men can unlawfully exercise jurisdiction over cases that are meant to be tried by a Federal Judge.

Relying on these latest arguments, Applicant prays this honorable court to issue the injunction to protect him and the public.

#### **E. COURT BOND.**

Under 28 U.S. Code § 1651, the applicant for an injunction must provide a bond for the payment of costs and damages as may be incurred or suffered by any person who would have been wrongfully enjoined. The bond is an issue for the court to determine. See *Moltan Co. v. Eagle-Picher Indus.*, 55 F.3d 1171, 1176 (6th Cir. 1995) (courts "possess discretion over whether to require the posting of security.").

A bond is unnecessary and, in fact, does not make sense. The bond is to be set in the amount of "costs and damages as may be incurred or suffered by any person who is found to have been wrongfully restrained or enjoined." There are no costs and damages that could result. Applicant is not suing over money at this stage through this Application/motion. Indeed, Applicant is not asking for any compensatory damages through this Application for injunctive relief. This Application only seeks injunctive relief so that the Deputy Clerk Nwamaka Anowi and FCCA can stop usurping jurisdiction and to stop infringing upon the fundamental rights of the Applicant. It is nearly 2 years that FCCA Deputy Clerk has wrongfully deprived Applicant of his fundamental rights to obtain justice. If the respective appeals and petition filed before FCCA is handled properly, Applicant would have already won his case, and Parties will have already moved on with their respective life. Entering an injunction will fix the jurisdictional defect issues and will restore

Applicant into his constitutional rights. Enjoining the FCCA, and its Deputy Clerks including Deputy Clerk Nwamaka Anowi to stop issuing orders and/or judgments will permit Parties to litigate properly the cases, and justice will be served in timely manner.

#### **X. RELIEF REQUEST AND CONCLUSION**

Wherefore, Applicant, Mawule Tepe, respectfully requests this honorable court: (1) to enjoin FCCA and its Federal Judges to seize their unconstitutional usurpation of subject matter jurisdiction by stop letting their Deputy Clerk to issue orders/judgments, (2) to enjoin FCCA Deputy Clerks and the Deputy Clerk Nwamaka Anowi to stop issuing orders on Judges' behalf, (3) to appoint FCCA Federal Judges to resolve Tepe's claims without delay, and to remand the case back to WDNC once done for further proceeding.

#### **CERTIFICATE OF COMPLIANCE**

I Mawule Tepe hereby certify that the accompanying Emergency Application for Injunctive Relief complies with the word count limitations which are 11957 words. I declare under penalty of perjury that the foregoing is true and correct.

#### **CERTIFICATE OF SERVICE**

Applicant Mawule Tepe hereby certifies that a copy of the foregoing Application is served electronically upon **James B. Gatehouse, Dawn Jordan, Frederick M. Thurman Jr., Michael D Slodov, Michael D. Ray, Jill C. Walters, Tonya L. Urps, and Robert Reed Marcus** on this 8<sup>th</sup> day of April, 2025.

Dated: April 16, 2025

Respectfully submitted,



Mawule Tepe  
3403 Peerless RD NG Apt# G  
Cleveland, TN 37312  
Tel: +1 423 994 3805

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**Emergency Application for Injunctive Relief // Case Tepe v. Corker, No 25-1211 // Filed with the US. Supreme Court**

---

**Mawule TEPE** <tepealex2002@gmail.com>

Wed, Apr 16 at 3:00 PM

To: <james.gatehouse@usdoj.gov>, <dawn.jordan@ag.tn.gov>, Walters, Jill <jwalters@bakerdonelson.com>, <rmarcus@bradley.com>, <michael.ray@ogletree.com>, Urps, Tonya L. <TUrps@mcguirewoods.com>, Thurman, Frederick <fthurman@shumaker.com>, Emily Nenni <EStrumpf@jblc.com>, Michael Slodov <MSlodov@jblc.com>, Mullins, Derek <dmullins@bakerdonelson.com>

To the Respective Counsels,

I am refiling this request because the U.S Supreme Court has asked me not to attach any request for Application for Writ of Certiorari to the Injunctive Relief Request pursuant to Rule 12.4.

Please see the attached Emergency Application for Injunctive Relief sent to be filed with the U.S. Supreme Court.

This email is to serve as an electronic process service upon you. A Notice will be provided to the Fourth Circuit Court of Appeals as well. Let me know if you have any questions or concerns.

Thank you,  
Mawule Tepe  
Tel: 423 994 3805

Appendix 3.pdf, Appendix 2.pdf, Appendix 1.pdf, Appendix 4.pdf, Appendix 6.pdf, Appendix 7.pdf, Appendix 5.pdf, Application for Injunctive Relief UPDATED.pdf



Mawule TEPE &lt;tepealex2002@gmail.com&gt;

**25-1211 Mawule Tepe v. Clifton Corker "Notice re:"**

ecfnoticing@ca4.uscourts.gov <ecfnoticing@ca4.uscourts.gov>  
To: tepealex2002@gmail.com

Wed, Apr 16, 2025 at 3:05 PM

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**United States Court of Appeals for the Fourth Circuit****Notice of Docket Activity**

The following transaction was entered on 04/16/2025 at 3:05:30 PM Eastern Daylight Time and filed on 04/16/2025

**Case Name:** Mawule Tepe v. Clifton Corker

**Case Number:** 25-1211

**Document(s):** Docket Entry #22

**Docket Text:**

NOTICE re: by Mawule Tepe. [1001754605] [25-1211] Mawule Tepe

**Notice will be electronically mailed to:**

Mr. James Bradford Gatehouse: james.gatehouse@usdoj.gov, debbie.gaddy@usdoj.gov

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**Notice will not be electronically mailed to:**

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The following document(s) are associated with this transaction:

**Document Description:** Notice of Filing of an Application for Injunctive Relief with the U.S. Supreme C

**Original Filename:** Notice to the Court 4.16.2025.pdf

**Electronic Document Stamp:**

[STAMP acecfStamp

# APPENDIX 1

**UNPUBLISHED****UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 23-1976**

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**MAWULE TEPE,****Plaintiff - Appellant,****v.**

**CLIFTON L. CORKER, in his Honorable U.S. District Judge and personal positions; TRAVIS R. MCDONOUGH, in his Honorable U.S. District Judge and personal positions; KATHERINE A. CRYTZER, in her Honorable U.S. District Judge and personal positions; CURTIS L. COLLIER, in his Honorable U.S. District Judge and personal positions; SUSAN K. LEE, in her Honorable U.S. Magistrate Judge and personal positions; CHRISTOPHER H. STEGER, in his Honorable U.S. District Judge and personal positions; DANNY J. BOGGS, in his Honorable U.S. Sixth Circuit Judge and personal positions; RICHARD ALLEN GRIFFIN, in his Honorable U.S. Sixth Circuit Judge and personal positions; ANDRE B. MATHIS, in his Honorable U.S. Sixth Circuit District Judge and personal positions; JOHN K. BUSH, in his Honorable U.S. Sixth Circuit Judge and personal positions; ERIC E. MURPHY, in his Honorable U.S. Sixth Circuit Judge and personal positions; ERIC L. CLAY, in his Honorable U.S. Sixth Circuit Judge and personal positions; DAVID W. MCKEAGUE, in his Honorable U.S. Sixth Circuit Judge and personal positions; JOHN B. NALBANDIAN, in his Honorable U.S. Sixth Circuit Judge and personal positions; RONALD LEE GILMAN, in his Honorable U.S. Sixth Circuit Judge and personal positions; JULIA SMITH GIBBONS, in her Honorable U.S. Sixth Circuit Judge and personal positions; CHAD A. READLER, in his Honorable U.S. Sixth Circuit Judge and personal positions; DEBORAH S. HUNT, in her Sixth Circuit Clerk's and personal positions; MONICA M. PAGE, in her Sixth Circuit Clerk's and personal positions; PARIS LARON ROBINSON, in his Sixth Circuit Clerk's and personal positions; MICHELLE LAMBERT, in her Sixth Circuit Clerk's and personal positions; LEANNA WILSON, in her District Court Clerk's and personal positions; U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE; U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT; STATE OF TENNESSEE; STATE OF OHIO; DEPARTMENT OF JUSTICE; UNITED STATES; LUCILLE LATTIMORE NELSON, Attorney at Ogletree Deakins Law Firm, in her personal and Attorney position; WILLIAM STEWART RUTCHOW,**

Attorney at Ogletree Deakins Law Firm, in his personal and Attorney position; OGLETREE, DEAKINS, NASH, SMOAK & STEWART PC, Law Firm; EMILY LOUISE NENNI, Attorney at Javitch Block LLC, in her personal and Attorney position; MICHAEL D. SLODOV, Attorney at Javitch Block LLC, in his personal and Attorney position; JAVITCH BLOCK, LLC; FRANKIE NEIL SPERO, Attorney at Bradley, Arant, Boult, Cummings LLP, in his personal and Attorney capacity; BRADLEY ARANT BOULT CUMMINGS, LLP, Law Firm; DEREK WAYNE MULLINS, Attorney at Baker Donelson Law Firm, in his Attorney and personal position; JUSTIN MICHAEL SVEADAS, Attorney at Baker Donelson Law Firm, in his Attorney and personal position; BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC, Law Firm; BANK OF AMERICA; TRUIST FINANCIAL CORPORATION; WHIRLPOOL CORPORATION,

Defendants - Appellees.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. David C. Keesler, Magistrate Judge. (3:23-cv-00423-RJC-DCK)

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Submitted: February 28, 2024

Decided: May 30, 2024

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Before KING, WYNN, and BENJAMIN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Mawule Tepe, Appellant Pro Se. Dawn Jordan, Assistant Attorney General, OFFICE OF THE ATTORNEY GENERAL OF TENNESSEE, Nashville, Tennessee; Benjamin R. Holland, Michael D. Ray, OGLETREE DEAKINS NASH SMOAK & STEWART, PC, Charlotte, North Carolina; Michael D. Slodov, JAVITCH BLOCK, LLC, Cleveland, Ohio; Robert R. Marcus, BRADLEY ARANT BOULT CUMMINGS LLP, Charlotte, North Carolina; Derek Wayne Mullins, BAKER DONELSON, Chattanooga, Tennessee; Thomas Richmond McPherson, III, MCGUIREWOODS, LLP, Charlotte, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.



## PER CURIAM:

Mawule Tepe seeks to appeal the magistrate judge's August 4, 2023, order directing the filing of a response to a motion to dismiss his civil action, August 8, 2023, order granting a motion for extension of time to file an answer or otherwise respond, August 11, 2023, order denying his motion for extension of time, August 23, 2023, order denying his motion for leave to file a first amended complaint against several Defendants and directing the filing of an amended complaint or a response to the pending motion to dismiss, August 25 and August 28, 2023, orders granting motions for extension of time to answer or otherwise respond, August 30 and September 6, 2023, orders directing him to file responses to motions to dismiss, September 8, 2023, order denying his motions challenging the jurisdiction of the district court and for an order of prohibition and to strike, and September 11, 2023, order denying his motion challenging the qualification of an attorney and to strike. Appellees Javitch Block, LLC, Emily Louise Nenni, and Michael D. Slodov move to dismiss the appeal for lack of jurisdiction.

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291, and certain interlocutory and collateral orders, 28 U.S.C. § 1292; Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-47 (1949). The orders Tepe seeks to appeal are neither final orders nor appealable interlocutory or collateral orders. Accordingly, we grant Appellees' motion to dismiss and dismiss the appeal for lack of jurisdiction. We deny Tepe's motions to place the appeal in abeyance, to dismiss parties and to strike, to amend or correct his notice of appeal, to accelerate case processing and to expedite decision, to vacate the district court's case proceedings as null and void and

requesting a ruling on pending motions and objections, to strike, and seeking costs. We deny the motions filed by Appellees Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Derek Wayne Mullins, Justin Michael Sveadas, and Truist Financial Corporation to suspend briefing, for costs, and to affirm. We deny the motion filed by Appellees Whirlpool Corporation, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., William Stewart Rutchow, and Lucille Lattimore Nelson to affirm.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*DISMISSED*

FILED: May 30, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUITNo. 23-1976, Mawule Tepe v. Clifton Corker  
3:23-cv-00423-RJC-DCK

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NOTICE OF JUDGMENT

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Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

**PETITION FOR WRIT OF CERTIORARI:** The time to file a petition for writ of certiorari runs from the date of entry of the judgment sought to be reviewed, and not from the date of issuance of the mandate. If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing or, if the petition for rehearing is granted, the subsequent entry of judgment. See Rule 13 of the Rules of the Supreme Court of the United States; [www.supremecourt.gov](http://www.supremecourt.gov).

**VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:** Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov), or from the clerk's office.

**BILL OF COSTS:** A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

**PETITION FOR REHEARING AND PETITION FOR REHEARING EN**

**BANC:** A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

**MANDATE:** In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

**U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT BILL OF COSTS FORM**  
(Civil Cases)

**Directions:** Under FRAP 39(a), the costs of appeal in a civil action are generally taxed against appellant if a judgment is affirmed or the appeal is dismissed. Costs are generally taxed against appellee if a judgment is reversed. If a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed as the court orders. A party who wants costs taxed must, within 14 days after entry of judgment, file an itemized and verified bill of costs, as follows:

- Itemize any fee paid for docketing the appeal. The fee for docketing a case in the court of appeals is \$600 (effective 12/1/2023). The \$5 fee for filing a notice of appeal is recoverable as a cost in the district court.
  - Itemize the costs (not to exceed \$.15 per page) for copying the necessary number of formal briefs and appendices. (The court typically orders 4 copies when tentatively calendared; 0 copies for service unless brief/appendix is sealed.). The court bases the cost award on the page count of the electronic brief/appendix. Costs for briefs filed under an informal briefing order are not recoverable.
  - Cite the statutory authority for an award of costs if costs are sought for or against the United States. See 28 U.S.C. § 2412 (limiting costs to civil actions); 28 U.S.C. § 1915(f)(1) (prohibiting award of costs against the United States in cases proceeding without prepayment of fees).
- Any objections to the bill of costs must be filed within 14 days of service of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Case Number & Caption: \_\_\_\_\_

Prevailing Party Requesting Taxation of Costs: \_\_\_\_\_

Appellate Docketing Fee (prevailing appellants):			Amount Requested: _____			Amount Allowed: _____	
Document	No. of Pages		No. of Copies		Page Cost (≤\$.15)	Total Cost	
	Requested	Allowed (court use only)	Requested	Allowed (court use only)		Requested	Allowed (court use only)
<b>TOTAL BILL OF COSTS:</b>						\$0.00	\$0.00

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than \$.15 per copy or, if less, I have reduced the amount charged to the lesser rate.
2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 permits an award of costs.
3. I declare under penalty of perjury that these costs are true and correct and were necessarily incurred in this action.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Certificate of Service**

I certify that on this date I served this document as follows:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FILED: May 30, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 23-1976  
(3:23-cv-00423-RJC-DCK)

---

MAWULE TEPE

Plaintiff - Appellant

v.

CLIFTON L. CORKER, in his Honorable U.S. District Judge and personal positions; TRAVIS R. MCDONOUGH, in his Honorable U.S. District Judge and personal positions; KATHERINE A. CRYTZER, in her Honorable U.S. District Judge and personal positions; CURTIS L. COLLIER, in his Honorable U.S. District Judge and personal positions; SUSAN K. LEE, in her Honorable U.S. Magistrate Judge and personal positions; CHRISTOPHER H. STEGER, in his Honorable U.S. District Judge and personal positions; DANNY J. BOGGS, in his Honorable U.S. Sixth Circuit Judge and personal positions; RICHARD ALLEN GRIFFIN, in his Honorable U.S. Sixth Circuit Judge and personal positions; ANDRE B. MATHIS, in his Honorable U.S. Sixth Circuit District Judge and personal positions; JOHN K. BUSH, in his Honorable U.S. Sixth Circuit Judge and personal positions; ERIC E. MURPHY, in his Honorable U.S. Sixth Circuit Judge and personal positions; ERIC L. CLAY, in his Honorable U.S. Sixth Circuit Judge and personal positions; DAVID W. MCKEAGUE, in his Honorable U.S. Sixth Circuit Judge and personal positions; JOHN B. NALBANDIAN, in his Honorable U.S. Sixth Circuit Judge and personal positions; RONALD LEE GILMAN, in his Honorable U.S. Sixth Circuit Judge and personal positions; JULIA SMITH GIBBONS, in her Honorable U.S. Sixth Circuit Judge and personal positions; CHAD A. READLER, in his Honorable U.S. Sixth Circuit Judge and personal positions; DEBORAH S. HUNT, in her Sixth Circuit Clerk's and personal positions; MONICA M. PAGE, in her Sixth Circuit Clerk's and



personal positions; PARIS LARON ROBINSON, in his Sixth Circuit Clerk's and personal positions; MICHELLE LAMBERT, in her Sixth Circuit Clerk's and personal positions; LEANNA WILSON, in her District Court Clerk's and personal positions; U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE; U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT; STATE OF TENNESSEE; STATE OF OHIO; DEPARTMENT OF JUSTICE; UNITED STATES; LUCILLE LATTIMORE NELSON, Attorney at Ogletree Deakins Law Firm, in her personal and Attorney position; WILLIAM STEWART RUTCHOW, Attorney at Ogletree Deakins Law Firm, in his personal and Attorney position; OGLETREE, DEAKINS, NASH, SMOAK & STEWART PC, Law Firm; EMILY LOUISE NENNI, Attorney at Javitch Block LLC, in her personal and Attorney position; MICHAEL D. SLODOV, Attorney at Javitch Block LLC, in his personal and Attorney position; JAVITCH BLOCK, LLC; FRANKIE NEIL SPERO, Attorney at Bradley, Arant, Boult, Cummings LLP, in his personal and Attorney capacity; BRADLEY ARANT BOULT CUMMINGS, LLP, Law Firm; DEREK WAYNE MULLINS, Attorney at Baker Donelson Law Firm, in his Attorney and personal position; JUSTIN MICHAEL SVEADAS, Attorney at Baker Donelson Law Firm, in his Attorney and personal position; BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC, Law Firm; BANK OF AMERICA; TRUIST FINANCIAL CORPORATION; WHIRLPOOL CORPORATION

Defendants - Appellees

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J U D G M E N T

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In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

# APPENDIX 2



**UNPUBLISHED****UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

---

**No. 24-1088**

---

In re: MAWULE TEPE,

Petitioner.

---

On Petition for a Writ of Mandamus, a Writ of Quo Warranto, and Writ of Prohibition to the United States District Court for the Western District of North Carolina, at Charlotte. (3:23-cv-00423-RJC-DCK)

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Submitted: February 20, 2024

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Decided: November 5, 2024

Before KING, WYNN, and BENJAMIN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Mawule Tepe, Petitioner Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

**PER CURIAM:**

Mawule Tepe petitions for a writ of mandamus and a writ of prohibition, seeking an order from this court directing the district court to schedule a case management conference while appeal No. 23-1976 is pending and to hold a hearing on pending motions, directing several Defendants in his civil action to show cause, prohibiting several Defendants in the action from representing themselves pro se, prohibiting several attorneys from representing any person in the action, prohibiting the magistrate judge from presiding over the action, and directing the district court to assign a different and impartial judge to the action. Tepe also petitions for a writ of quo warranto, seeking an order from this court directing the magistrate judge and district court to demonstrate their authority to act. We conclude that Tepe is not entitled to mandamus, prohibition, or quo warranto relief.

Writs of mandamus and prohibition are drastic remedies to be used only in extraordinary circumstances. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004) (mandamus); *In re Vargas*, 723 F.2d 1461, 1468 (10th Cir. 1983) (prohibition). Writs of prohibition and mandamus may not be used as substitutes for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007) (mandamus); *In re Vargas*, 723 F.2d at 1468 (prohibition). Relief under these writs is available only when the party seeking relief shows that his right to issuance of the writ is “clear and indisputable” and he has “no other adequate means” to obtain the relief he desires. *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018) (internal quotation marks omitted). The relief Tepe seeks is not available by way of mandamus or prohibition. Accordingly, we deny these portions of Tepe’s petition.

As to Tepe's request for a writ of quo warranto, a private individual lacks standing to institute a quo warranto proceeding. *Newman v. United States ex rel. Frizzell*, 238 U.S. 537, 545-46 (1915). Thus, this portion of Tepe's petition must be denied.

Accordingly, we deny Tepe's petition, deny his motions for costs and to expedite and accelerate decision, and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*PETITION DENIED*

FILED: November 5, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUITNo. 24-1088, In re: Mawule Tepe  
3:23-cv-00423-RJC-DCK

---

NOTICE OF JUDGMENT

---

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

**PETITION FOR WRIT OF CERTIORARI:** The time to file a petition for writ of certiorari runs from the date of entry of the judgment sought to be reviewed, and not from the date of issuance of the mandate. If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing or, if the petition for rehearing is granted, the subsequent entry of judgment. See Rule 13 of the Rules of the Supreme Court of the United States; [www.supremecourt.gov](http://www.supremecourt.gov).

**VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:**

Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov), or from the clerk's office.

**BILL OF COSTS:** A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

**PETITION FOR REHEARING AND PETITION FOR REHEARING EN**

**BANC:** A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

**MANDATE:** In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

**U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT BILL OF COSTS FORM**  
(Civil Cases)

**Directions:** Under FRAP 39(a), the costs of appeal in a civil action are generally taxed against appellant if a judgment is affirmed or the appeal is dismissed. Costs are generally taxed against appellee if a judgment is reversed. If a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed as the court orders. A party who wants costs taxed must, within 14 days after entry of judgment, file an itemized and verified bill of costs, as follows:

- Itemize any fee paid for docketing the appeal. The fee for docketing a case in the court of appeals is \$600 (effective 12/1/2023). The \$5 fee for filing a notice of appeal is recoverable as a cost in the district court.
- Itemize the costs (not to exceed \$.15 per page) for copying the necessary number of formal briefs and appendices. (The court typically orders 4 copies when tentatively calendared; 0 copies for service unless brief/appendix is sealed.). The court bases the cost award on the page count of the electronic brief/appendix. Costs for briefs filed under an informal briefing order are not recoverable.
- Cite the statutory authority for an award of costs if costs are sought for or against the United States. See 28 U.S.C. § 2412 (limiting costs to civil actions); 28 U.S.C. § 1915(f)(1) (prohibiting award of costs against the United States in cases proceeding without prepayment of fees).

Any objections to the bill of costs must be filed within 14 days of service of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Case Number & Caption: \_\_\_\_\_

Prevailing Party Requesting Taxation of Costs: \_\_\_\_\_

<b>Appellate Docketing Fee (prevailing appellants):</b>			<b>Amount Requested:</b> _____			<b>Amount Allowed:</b> _____	
<b>Document</b>	<b>No. of Pages</b>		<b>No. of Copies</b>		<b>Page Cost (≤\$.15)</b>	<b>Total Cost</b>	
	<b>Requested</b>	<b>Allowed (court use only)</b>	<b>Requested</b>	<b>Allowed (court use only)</b>		<b>Requested</b>	<b>Allowed (court use only)</b>
<b>TOTAL BILL OF COSTS:</b>						<b>\$0.00</b>	<b>\$0.00</b>

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than \$.15 per copy or, if less, I have reduced the amount charged to the lesser rate.
2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 permits an award of costs.
3. I declare under penalty of perjury that these costs are true and correct and were necessarily incurred in this action.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Certificate of Service**

I certify that on this date I served this document as follows:

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

FILED: November 5, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 24-1088  
(3:23-cv-00423-RJC-DCK)

---

In re: MAWULE TEPE

Petitioner

---

J U D G M E N T

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In accordance with the decision of this court, the petitions for writ of mandamus, writ of prohibition, and writ of quo warranto are denied.

/s/ NWAMAKA ANOWI, CLERK

# **APPENDIX 3**



**UNPUBLISHED****UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

---

**No. 24-1410**

---

In re: MAWULE TEPE,

Petitioner.

---

On Petition for Writ of Mandamus to the United States District Court for the Western District of North Carolina, at Charlotte. (3:23-cv-00423-RJC-DCK)

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Submitted: June 18, 2024

Decided: July 26, 2024

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Before RUSHING and BENJAMIN, Circuit Judges, and MOTZ, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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Mawule Tepe, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Mawule Tepe petitions for a writ of mandamus, seeking an order from this court directing the district court to rule on his motion to vacate and to grant the relief requested in his motion to challenge. We conclude that Tepe is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 380 (2004); *In re Murphy-Brown, LLC*, 907 F.3d 788, 795 (4th Cir. 2018). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought and “has no other adequate means to attain the relief [he] desires.” *Murphy-Brown*, 907 F.3d at 795 (alteration and internal quotation marks omitted). Mandamus may not be used as a substitute for appeal. *In re Lockheed Martin Corp.*, 503 F.3d 351, 353 (4th Cir. 2007).

The relief sought by Tepe is not available by way of mandamus. Accordingly, we deny the petition for a writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*PETITION DENIED*

FILED: July 26, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUITNo. 24-1410, In re: Mawule Tepe  
3:23-cv-00423-RJC-DCK

---

NOTICE OF JUDGMENT

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Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

**PETITION FOR WRIT OF CERTIORARI:** The time to file a petition for writ of certiorari runs from the date of entry of the judgment sought to be reviewed, and not from the date of issuance of the mandate. If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing or, if the petition for rehearing is granted, the subsequent entry of judgment. See Rule 13 of the Rules of the Supreme Court of the United States; [www.supremecourt.gov](http://www.supremecourt.gov).

**VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:**

Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov), or from the clerk's office.

**BILL OF COSTS:** A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

**PETITION FOR REHEARING AND PETITION FOR REHEARING EN**

**BANC:** A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

**MANDATE:** In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

**U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT BILL OF COSTS FORM**  
(Civil Cases)

**Directions:** Under FRAP 39(a), the costs of appeal in a civil action are generally taxed against appellant if a judgment is affirmed or the appeal is dismissed. Costs are generally taxed against appellee if a judgment is reversed. If a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed as the court orders. A party who wants costs taxed must, within 14 days after entry of judgment, file an itemized and verified bill of costs, as follows:

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  - Itemize the costs (not to exceed \$.15 per page) for copying the necessary number of formal briefs and appendices. (The court typically orders 4 copies when tentatively calendared; 0 copies for service unless brief/appendix is sealed.). The court bases the cost award on the page count of the electronic brief/appendix. Costs for briefs filed under an informal briefing order are not recoverable.
  - Cite the statutory authority for an award of costs if costs are sought for or against the United States. See 28 U.S.C. § 2412 (limiting costs to civil actions); 28 U.S.C. § 1915(f)(1) (prohibiting award of costs against the United States in cases proceeding without prepayment of fees).
- Any objections to the bill of costs must be filed within 14 days of service of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Case Number & Caption: \_\_\_\_\_

Prevailing Party Requesting Taxation of Costs: \_\_\_\_\_

Appellate Docketing Fee (prevailing appellants):			Amount Requested: _____			Amount Allowed: _____	
Document	No. of Pages		No. of Copies		Page Cost (≤\$.15)	Total Cost	
	Requested	Allowed (court use only)	Requested	Allowed (court use only)		Requested	Allowed (court use only)
<b>TOTAL BILL OF COSTS:</b>						\$0.00	\$0.00

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than \$.15 per copy or, if less, I have reduced the amount charged to the lesser rate.
2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 permits an award of costs.
3. I declare under penalty of perjury that these costs are true and correct and were necessarily incurred in this action.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Certificate of Service**

I certify that on this date I served this document as follows:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FILED: July 26, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 24-1410  
(3:23-cv-00423-RJC-DCK)

---

In re: MAWULE TEPE

Petitioner

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J U D G M E N T

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In accordance with the decision of this court, the petition for writ of  
mandamus is denied.

/s/ NWAMAKA ANOWI, CLERK

# **APPENDIX 4**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**  
1100 East Main Street, Suite 501, Richmond, Virginia 23219

March 5, 2025

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**INITIAL FEE NOTICE IN  
CIVIL, HABEAS & 2255 CASES**

---

No. 25-1211, Mawule Tepe v. Clifton Corker  
3:23-cv-00423-FDW-DCK

**DUE DATE: April 4, 2025**

TO: Mawule Tepe

According to the district court docket, the filing fee of **\$605** for this appeal has not been paid to the district court and you have not been granted leave to proceed in forma pauperis by the district court. Unless you have paid the filing fee to the Clerk, U.S. District Court, or been granted leave to proceed in forma pauperis by the district court by the due date shown above, you must file an **IFP-Application to proceed in forma pauperis** with the court of appeals by the due date shown. Failure to comply will cause this court to initiate the process set forth in Local Rule 45 to dismiss the appeal for failure to prosecute.

Jeffrey S. Neal, Deputy Clerk  
804-916-2702



# APPENDIX 5



The action of Honorable Senior District Judge Robert J. Conrad, Jr has violated Plaintiff's due process rights since according to due process, once a responsive Pleading is filed, the court is compelled to schedule a case management conference. However, Honorable Senior District Judge Robert J. Conrad, Jr has failed twice to schedule the case management conference in violation of the procedural due process clause under the 5<sup>th</sup> Amendment.

Besides this, Honorable Senior District Judge Robert J. Conrad, Jr has also restrained Plaintiff for no reason in violation of the 6<sup>th</sup> Amendment. According to the U.S. Supreme Court, a Party's rights to attend his own trial is so absolute that he cannot be told to have lost it as long as he insist upon it. *Illinois vs. Allen Court*: U.S. Date published: Mar 31, 1970, 397 U.S. 337 (1970), 90 S. Ct. 1057, the U.S. Supreme Court makes it clear that: Plaintiff's Sixth Amendment right to attend his own trial was so "absolute" that, regardless of how unruly his conduct, he could never be held to have lost that right so long as he insisted on it." In the current case, Plaintiff Mawule Tepe was not even unruly; he was respectful and courteous, abiding by all rules and laws, but he was unjustly and unlawfully denied access to the court and restrained.

The right of access to the Courts is basic to our system of government, and it is well established that it is one of the fundamental rights protected by the constitution. Citing: *Ryland vs. Shapiro*, 708 F.2D 967, (5TH Circuit, 1985). As presented, Plaintiff has never waived his rights under the Sixth Amendments and there is no evidence on record susceptible to show that Plaintiff or Appellee Mawule Tepe has given upon his 6<sup>th</sup> Amendment right. Thus, Hon. Senior District Judge Robert J. Conrad, Jr cannot restrict Plaintiff's access to the court. As presented, Hon. Senior District Judge Robert J. Conrad, Jr violated Plaintiff's 5<sup>th</sup> and 6<sup>th</sup> Amendment rights.

Moreover, US Magistrate Judge David Keesler is meant to recuse himself due to lack of Oaths of Office, and his failure to disclose a copy of his Surety Bond as well as his Financial Report with Affidavit in Support. However, the court failed to demand his recusal.

According to the U.S. Supreme Court, recusal aims to ensure both actual judicial impartiality and the appearance of judicial impartiality, which are necessary to ensure due process. *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 821-22 (1986) (indicating that an impartial tribunal is required for due process); see also *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980); The procedural protections provided by evidentiary and other rules are of little value if a judge has an interest in the outcome, or if a judicial participant favors or disfavors one of the litigants<sup>4</sup>. Moreover, the necessity of judicial impartiality encompasses both actual and perceived biases. As the Supreme Court itself has noted, "even if there is no showing of actual bias in the tribunal, due process is denied by circumstances that create the likelihood or the appearance of bias. *Peters v. Kiff*, 407 U.S. 493, 502 (1972).

In this case, the US Magistrate Judge David Keesler has been biased, and has refused to be transparent regarding his financial and non-financial ties with Parties involved in this case. It is well established that Corporations cannot represent themselves a pro se during a contested case proceeding in North Carolina, unless in the small claim court. N.C. Gen. Stat. § 84-4 and N.C. Gen. Stat. § 84-5. Plaintiff has repeatedly requested the disqualification of artificial entities involved in this case but US Magistrate Judge David Keesler has denied Plaintiff's request. In addition, the respective counsels are not admitted to the Federal Bar of the U.S. District Court for the Western District of North Carolina at Charlotte (or WDNC). Plaintiff has requested the respective Counsels of the individual Defendants to prove their eligibility to practice law before WDNC and they have failed to do so, and the US Magistrate Judge David Keesler as well as

Honorable Senior District Judge Robert J. Conrad, Jr have failed to disqualify them in violation of the due process.

Furthermore, Plaintiff would like to amend his complaint as matter of right under F.R.C.P Rule 15(a)(1)(B); However, Honorable Senior District Judge Robert J. Conrad, Jr has prohibited Plaintiff from amending his complaint against all Defendants in violation of due process under the 5<sup>th</sup> Amendment that promote fair tribunal.

As presented above, the case is still pending, and there no final judgment, and since Honorable Senior District Judge Robert J. Conrad, Jr is not willing to allow Plaintiff to amend his complaint as matter of rights against all Defendants, Plaintiff has asked him to schedule a case management conference since STATE OF OHIO has filed a an answer to the Complaint, but Honorable Senior District Judge Robert J. Conrad, Jr has failed to do so and decided to closed the case instead.

This case is still pending even though Honorable Senior District Judge Robert J. Conrad, Jr has unilaterally and unconstitutionally decided to close the case, and this is an interlocutory appeal since there is no judgment on the record.

As presented above, the procurement of subject matter jurisdiction of WDNC in this case has infringed upon Plaintiff's fundamental right under the 5<sup>th</sup> and 6<sup>th</sup> amendments. Thus, the case's proceeding is void, and an interlocutory appeal lies. This interlocutory appeal is to challenge the constitutionality of the action of Honorable Senior District Judge Robert J. Conrad, Jr or WDNC and its failure to schedule a case management conference which is overdue by now. Plaintiff would like to challenge the unlawful procurement of subject matter jurisdiction of WDNC as well as the violation of his fundamental rights under the 5<sup>th</sup> and 6<sup>th</sup> amendment.

According to the applicable rules under 28 U.S.C. § 1292(b):

There are two avenues by which a party may immediately appeal an interlocutory order or judgment. First, if the order or judgment is final as to some but not all of the claims or parties, and the trial court certifies the case for appeal, an immediate appeal will lie. Second, an appeal is permitted if the trial court's decision deprives the appellant of a substantial right which would be lost absent immediate review.

As presented above, this Interlocutory appeal is triggered by the deprivation of Plaintiff's substantial rights under the 5<sup>th</sup> and 6<sup>th</sup> Amendment. Thus, this interlocutory appeal lies under 28 U.S.C. § 1292(b).

According to the Court of Appeals Miscellaneous Fee Schedule<sup>1</sup> Rule (1)(2<sup>nd</sup> paragraph):

There is no docketing fee for an application for an interlocutory appeal under 28 U.S.C. § 1292(b) or other petition for permission to appeal under Fed. R. App. P. 5, unless the appeal is allowed.

When substantial rights are violated, permission or certification is not needed. Through this motion, Plaintiff would like to request this honorable court to apply the Court of Appeals Miscellaneous Fee Schedule<sup>1</sup> Rule (1)(2<sup>nd</sup> paragraph), to process Appeal without requesting him to pay the filing fees as prescribed under the Court of Appeals Miscellaneous Fee Schedule Rule (1)(2<sup>nd</sup> paragraph)<sup>1</sup>. See a copy attached hereto as Exhibit.

According to the Court of Appeals Miscellaneous Fee Schedule Rule (1)(2<sup>nd</sup> paragraph), there is not requirement to file out an Affidavit Form since the rule just says: There is no docketing fee for an application for an interlocutory appeal under 28 U.S.C. § 1292(b) or other petition for permission to appeal under Fed. R. App. P. 5, unless the appeal is allowed. Therefore, Plaintiff/Appellee is not required to present or to submit an Affidavit showing his financial statement, and the rule does not mandate the submission of any financial statement. Thus, Plaintiff/Appellees respectfully requests the Motion to Proceed in Forma Pauperis to be granted.

It appears there is no constitutional basis for Honorable Senior District Judge Robert J.

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<sup>1</sup> See <https://www.uscourts.gov/services-forms/fees/court-appeals-miscellaneous-fee-schedule>

Conrad, Jr or WDNC to deny the Motion to proceed in forma pauperis and there is no constitutional order issued by WDNC on this matter neither; thus Appellee Mawule Tepe respectfully requests this honorable Court to grant this motion to allow the appeal to proceed.

**CERTIFICATE OF SERVICE**

Plaintiff Mawule Tepe hereby certifies that a copy of the foregoing motion was served electronically upon **James B. Gatehouse, Dawn Jordan, Frederick M. Thurman Jr., Emily Louise Nenni, Michael D. Ray, Jill C. Walters, Tonya L. Urps, and Robert Reed Marcus** pursuant to N.C.R.C.P. Rule 5 or T.R.C.P. Rule 5.02 on this 12 day of March 2025.

Dated: March 12, 2025

Respectfully submitted,



Mawule Tepe

# EXHIBIT



# Court of Appeals Miscellaneous Fee Schedule

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The fees included in the Court of Appeals Miscellaneous Fee Schedule<sup>1</sup> are to be charged for services provided by the courts of appeals, including relevant services<sup>2</sup> provided by the bankruptcy appellate panels established under 28 U.S.C. § 158(b)(1).

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**Effective on:** December 1, 2023

- The United States should not be charged fees under this schedule, except as prescribed in Items 2, 4, and 5 when the information requested is available through remote electronic access.
- Federal agencies or programs that are funded from judiciary appropriations (agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and bankruptcy administrators) should not be charged any fees under this schedule.

(1) For docketing a case on appeal or review, or docketing any other proceeding, \$600.

- Each party filing a notice of appeal pays a separate fee to the district court, but parties filing a joint notice of appeal pay only one fee.
- There is no docketing fee for an application for an interlocutory appeal under 28 U.S.C. § 1292(b) or other petition for permission to appeal under Fed. R. App. P. 5, unless the appeal is allowed.
- There is no docketing fee for a direct bankruptcy appeal or a direct bankruptcy cross appeal, when the fee has been collected by the bankruptcy court in accordance with item 14 of the Bankruptcy Court Miscellaneous Fee Schedule.
- This fee is collected in addition to the statutory fee of \$5 that is collected under 28 U.S.C. § 1917.

(2) For conducting a search of the court of appeals or bankruptcy appellate panel records, \$34 per name or item searched. This fee applies to services rendered on behalf of the United States if the information requested is available through remote electronic access.

(3) For certification of any document, \$12. For the issuance of an apostille, \$50.

(4)

a. For reproducing any document and providing a copy in paper form, \$.50 per page. This fee applies to services rendered on behalf of the United States if the document requested is available through remote electronic access.

b. For reproducing and transmitting in any manner a copy of an electronic record stored outside of the court's electronic case management system, including but not limited to, document files, audio and video recordings (other than a recording of a court proceeding), \$33 per record provided.

(5) For reproducing recordings of proceedings, regardless of the medium, \$34, including the cost of materials. This fee applies to services rendered on behalf of the United States if the recording is available through remote electronic access.

(6) For reproducing the record in any appeal in which the court of appeals does not require an appendix pursuant to Fed. R. App. P.30(f), (or, in appeals before a bankruptcy appellate panel, pursuant to Fed. R. Bankr. P. 8018(e)), \$94.

(7) For retrieval of one box of records from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$70. For retrievals involving multiple boxes, \$43 for each additional box. For electronic retrievals, \$11 plus any charges assessed by the Federal Records Center, National Archives, or other storage location removed from the place of business of the courts.

(8) For any payment returned or denied for insufficient funds, or reversed due to a chargeback, \$53.

(9) For copies of opinions, a fee commensurate with the cost of printing, as fixed by each court of appeals.

(10) For copies of the local rules of court, a fee commensurate with the cost of distributing the copies. The court may also distribute copies of the local rules without charge.

(11) For filing:

- Any separate or joint notice of appeal or application for appeal from the bankruptcy appellate panel, \$5;
- A notice of the allowance of an appeal from the bankruptcy appellate panel, \$5.

(12) For counsel's requested use of the court's videoconferencing equipment in connection with each oral argument, the court may charge and collect a fee of \$200 per remote location.

(13) For original admission of attorney to practice, including a certificate of admission, \$199. For a duplicate certificate of admission or certificate of good standing, \$21.

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<sup>1</sup> Issued in accordance with 28 U.S.C. § 1913

<sup>2</sup> Item 13 does not apply to bankruptcy appellate panels.

## Application to Appeal In Forma Pauperis

Mawule Tepe v. Clifton L Corker et al., Appeal No. 25-1211

District Court or Agency No. 3:23-cv-00423-FDW-DCK

<p><b>Affidavit in Support of Motion</b></p> <p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)</p> <p>Signed: <u></u></p>	<p><b>Instructions</b></p> <p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> <p>Date: <u>March 12, 2025</u></p>
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My issues on appeal are: (required):

Violation of his 5th and 6th amendments rights; Unlawful procurement of Subject matter jurisdiction; failure of the District Court to schedule timely case management conference for the second consecutive time; unconstitutional dismissal of the case with judgment. Please see more detail on the MOTION TO APPEAL IN FORMA PAUPERIS.

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$	\$	\$	\$
Self-employment	<b>NON APPLICABLE</b>			
Income from real property (such as rental income)	\$	\$	\$	\$

Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	NON APPLICABLE			\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
<b>Total monthly income:</b>	\$	\$	\$	\$

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
			\$
	NON APPLICABLE		\$
			\$

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
			\$
	NON APPLICABLE		\$
			\$

4. How much cash do you and your spouse have? \$ \_\_\_\_\_

*Below, state any money you or your spouse have in bank accounts or in any other financial institution.*

Financial Institution	Type of Account	Amount you have	Amount your spouse has
		\$	\$
		\$	\$
		\$	\$

***If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.***

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	Other real estate	Motor vehicle #1
(Value) \$	(Value) \$	(Value) \$
NON APPLICABLE	NON APPLICABLE	Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year:		
Model:		
Registration #:		

6. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
	\$	\$
	\$ NON APPLICABLE	
	\$	\$
	\$	\$

7. *State the persons who rely on you or your spouse for support.*

Name [or, if a minor (i.e., underage), initials only]	Relationship	Age

8. *Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home)	\$	\$
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$ NON APPLICABLE	
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$



Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments	<b>NON APPLICABLE</b>	
Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify):	\$	\$
<b>Total monthly expenses:</b>	<b>\$</b>	<b>\$</b>

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

☐ Yes

☐ No

If yes, describe on an attached sheet.

10. *Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?* ☐ Yes ☐ No

If yes, how much? \$ \_\_\_\_\_



11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

The Court of Appeals Miscellaneous Fee Schedule Rule (1)(2nd paragraph) says there is no docketing fee for an application for an interlocutory appeal under 28 U.S.C. § 1292(b). Please see more detail on the MOTION TO APPEAL IN FORMA PAUPERIS.

12. *Identify the city and state of your legal residence.*

City Cleveland State Tennessee

Your daytime phone number: +1 (423) 994-3805

Your age: N/A Your years of schooling: N/A

# APPENDIX 4

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**  
1100 East Main Street, Suite 501, Richmond, Virginia 23219

March 5, 2025

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**INITIAL FEE NOTICE IN  
CIVIL, HABEAS & 2255 CASES**

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No. 25-1211, Mawule Tepe v. Clifton Corker  
3:23-cv-00423-FDW-DCK

**DUE DATE: April 4, 2025**

TO: Mawule Tepe

According to the district court docket, the filing fee of **\$605** for this appeal has not been paid to the district court and you have not been granted leave to proceed in forma pauperis by the district court. Unless you have paid the filing fee to the Clerk, U.S. District Court, or been granted leave to proceed in forma pauperis by the district court by the due date shown above, you must file an **IFP-Application to proceed in forma pauperis** with the court of appeals by the due date shown. Failure to comply will cause this court to initiate the process set forth in Local Rule 45 to dismiss the appeal for failure to prosecute.

Jeffrey S. Neal, Deputy Clerk  
804-916-2702

# APPENDIX 6

FILED: March 12, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 25-1211  
(3:23-cv-00423-FDW-DCK)

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MAWULE TEPE

Plaintiff - Appellant

v.

CLIFTON LELAND CORKER, in his Honorable U.S. District Judge and personal positions; TRAVIS R. MCDONOUGH, in his Honorable U.S. District Judge and personal positions; KATHERINE A. CRYTZER, in her Honorable U.S. District Judge and personal positions; CURTIS L. COLLIER, in his Honorable U.S. District Judge and personal positions; SUSAN K. LEE, in her Honorable U.S. Magistrate Judge and personal positions; CHRISTOPHER H. STEGER, in his Honorable U.S. District Judge and personal positions; DANNY J. BOGGS, in his Honorable U.S. Sixth Circuit Judge and personal positions; RICHARD ALLEN GRIFFIN, in his Honorable U.S. Sixth Circuit Judge and personal positions; ANDRE B. MATHIS, in his Honorable U.S. Sixth Circuit District Judge and personal positions; JOHN K. BUSH, in his Honorable U.S. Sixth Circuit Judge and personal positions; ERIC E. MURPHY, in his Honorable U.S. Sixth Circuit Judge and personal positions; ERIC L. CLAY, in his Honorable U.S. Sixth Circuit Judge and personal positions; DAVID W. MCKEAGUE, in his Honorable U.S. Sixth Circuit Judge and personal positions; JOHN B. NALBANDIAN, in his Honorable U.S. Sixth Circuit Judge and personal positions; RONALD LEE GILMAN, in his Honorable U.S. Sixth Circuit Judge and personal positions; JULIA SMITH GIBBONS, Judge, in her Honorable U.S. Sixth Circuit Judge and personal positions; CHAD A. READLER, in his Honorable U.S. Sixth Circuit Judge and personal positions; DEBORAH S. HUNT, in her Sixth Circuit Clerk's and personal positions; MONICA M. PAGE, in her Sixth Circuit Clerk's and personal positions; PARIS LARON ROBINSON, in his Sixth Circuit Clerk's and personal positions; MICHELLE LAMBERT, in her Sixth Circuit Clerk's and personal positions; LEANNA WILSON, in her

District Court Clerk's and personal positions; U. S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE; U. S. COURT OF APPEALS FOR THE SIXTH CIRCUIT; STATE OF TENNESSEE; STATE OF OHIO; DEPARTMENT OF JUSTICE; UNITED STATES OF AMERICA; LUCILLE LATTIMORE NELSON, Attorney at Ogletree Deakins Law Firm, in her personal and Attorney position; WILLIAM STEWART RUTCHOW, Attorney at Ogletree Deakins Law Firm, in his personal and Attorney position; OGLETREE, DEAKINS, NASH, SMOAK & STEWART, Law Firm; EMILY LOUISE NENNI, Attorney at Javitch Block LLC, in her personal and Attorney position; MICHAEL D. SLODOV, Attorney at Javitch Block LLC, in his personal and Attorney position; JAVITCH BLOCK, LLC; FRANKIE NEIL SPERO, Attorney at Bradley, Arant, Boult, Cummings LLP, in his personal and Attorney capacity; BRADLEY ARANT BOULT CUMMINGS, LLP, Law Firm; DEREK WAYNE MULLINS, Attorney at Baker Donelson Law Firm, in his Attorney and personal position; JUSTIN MICHAEL SVEADAS, Attorney at Baker Donelson Law Firm, in his Attorney and personal position; BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC, Law Firm; BANK OF AMERICA; TRUIST FINANCIAL CORPORATION; WHIRLPOOL CORPORATION

Defendants - Appellees

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O R D E R

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The court denies the motion to appeal in forma pauperis without prejudice to appellant filing a completed application to proceed in forma pauperis.

For the Court--By Direction

/s/ Nwamaka Anowi, Clerk

# Application to Appeal In Forma Pauperis

\_\_\_\_\_ v. \_\_\_\_\_

Appeal No. \_\_\_\_\_

District Court or Agency No. \_\_\_\_\_

<p><b>Affidavit in Support of Motion</b></p> <p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)</p> <p>Signed: _____</p>	<p><b>Instructions</b></p> <p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> <p>Date: _____</p>
---	---

My issues on appeal are: (required):

- For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$	\$	\$	\$
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$	\$	\$	\$

Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
<b>Total monthly income:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$



4. *How much cash do you and your spouse have? \$ \_\_\_\_\_*

*Below, state any money you or your spouse have in bank accounts or in any other financial institution.*

<b>Financial Institution</b>	<b>Type of Account</b>	<b>Amount you have</b>	<b>Amount your spouse has</b>
		\$	\$
		\$	\$
		\$	\$

*If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.*

5. *List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.*

<b>Home</b>	<b>Other real estate</b>	<b>Motor vehicle #1</b>
(Value) \$	(Value) \$	(Value) \$
		Make and year:
		Model:
		Registration #:

<b>Motor vehicle #2</b>	<b>Other assets</b>	<b>Other assets</b>
(Value) \$	(Value) \$	(Value) \$
Make and year:		
Model:		
Registration #:		

6. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
	\$	\$
	\$	\$
	\$	\$
	\$	\$

7. *State the persons who rely on you or your spouse for support.*

Name [or, if a minor (i.e., underage), initials only]	Relationship	Age

8. *Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home) Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$

Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		
Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify):	\$	\$
<b>Total monthly expenses:</b>	<b>\$</b>	<b>\$</b>

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

☐ Yes

☐ No

If yes, describe on an attached sheet.

10. *Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?* ☐ Yes ☐ No

*If yes, how much?* \$ \_\_\_\_\_

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

12. *Identify the city and state of your legal residence.*

City \_\_\_\_\_ State \_\_\_\_\_

Your daytime phone number: \_\_\_\_\_

Your age: \_\_\_\_\_ Your years of schooling: \_\_\_\_\_

# APPENDIX 7

FILED: April 3, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 25-1211  
(3:23-cv-00423-FDW-DCK)

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MAWULE TEPE

Plaintiff - Appellant

v.

CLIFTON LELAND CORKER, in his Honorable U.S. District Judge and personal positions; TRAVIS R. MCDONOUGH, in his Honorable U.S. District Judge and personal positions; KATHERINE A. CRYTZER, in her Honorable U.S. District Judge and personal positions; CURTIS L. COLLIER, in his Honorable U.S. District Judge and personal positions; SUSAN K. LEE, in her Honorable U.S. Magistrate Judge and personal positions; CHRISTOPHER H. STEGER, in his Honorable U.S. District Judge and personal positions; DANNY J. BOGGS, in his Honorable U.S. Sixth Circuit Judge and personal positions; RICHARD ALLEN GRIFFIN, in his Honorable U.S. Sixth Circuit Judge and personal positions; ANDRE B. MATHIS, in his Honorable U.S. Sixth Circuit District Judge and personal positions; JOHN K. BUSH, in his Honorable U.S. Sixth Circuit Judge and personal positions; ERIC E. MURPHY, in his Honorable U.S. Sixth Circuit Judge and personal positions; ERIC L. CLAY, in his Honorable U.S. Sixth Circuit Judge and personal positions; DAVID W. MCKEAGUE, in his Honorable U.S. Sixth Circuit Judge and personal positions; JOHN B. NALBANDIAN, in his Honorable U.S. Sixth Circuit Judge and personal positions; RONALD LEE GILMAN, in his Honorable U.S. Sixth Circuit Judge and personal positions; JULIA SMITH GIBBONS, Judge, in her Honorable U.S. Sixth Circuit Judge and personal positions; CHAD A. READLER, in his Honorable U.S. Sixth Circuit Judge and personal positions; DEBORAH S.

HUNT, in her Sixth Circuit Clerk's and personal positions; MONICA M. PAGE, in her Sixth Circuit Clerk's and personal positions; PARIS LARON ROBINSON, in his Sixth Circuit Clerk's and personal positions; MICHELLE LAMBERT, in her Sixth Circuit Clerk's and personal positions; LEANNA WILSON, in her District Court Clerk's and personal positions; U. S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE; U. S. COURT OF APPEALS FOR THE SIXTH CIRCUIT; STATE OF TENNESSEE; STATE OF OHIO; DEPARTMENT OF JUSTICE; UNITED STATES OF AMERICA; LUCILLE LATTIMORE NELSON, Attorney at Ogletree Deakins Law Firm, in her personal and Attorney position; WILLIAM STEWART RUTCHOW, Attorney at Ogletree Deakins Law Firm, in his personal and Attorney position; OGLETREE, DEAKINS, NASH, SMOAK & STEWART, Law Firm; EMILY LOUISE NENNI, Attorney at Javitch Block LLC, in her personal and Attorney position; MICHAEL D. SLODOV, Attorney at Javitch Block LLC, in his personal and Attorney position; JAVITCH BLOCK, LLC; FRANKIE NEIL SPERO, Attorney at Bradley, Arant, Boult, Cummings LLP, in his personal and Attorney capacity; BRADLEY ARANT BOULT CUMMINGS, LLP, Law Firm; DEREK WAYNE MULLINS, Attorney at Baker Donelson Law Firm, in his Attorney and personal position; JUSTIN MICHAEL SVEADAS, Attorney at Baker Donelson Law Firm, in his Attorney and personal position; BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC, Law Firm; BANK OF AMERICA; TRUIST FINANCIAL CORPORATION; WHIRLPOOL CORPORATION

Defendants - Appellees

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O R D E R

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Upon consideration of the submissions relative to appellant's motion to reconsider the March 12, 2025, order and appellant's motion for injunctive relief pending appeal, the court denies the motions.

For the Court

/s/ Nwamaka Anowi, Clerk