No.

IN THE
SUPREME COURT OF THE UNITED STATES

Angela Campbell,

Petitioner,

v.

Governor Tony Evers, Associated Bank, N.A., Aaron J. Foley, Scott Austin, John Miller, Michael Greiber, and Jeffrey Mark Mayer,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Seventh Circuit

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PETITION FOR A WRIT OF CERTIORARI

ANGELA CAMPBELL,
PETITIONER PRO SE
600 Volk Street
Portage, WI 53901
(608) 628-9006

QUESTIONS PRESENTED

1. Whether a U.S. District Court violates due process by sua sponte dismissing with prejudice at the Screening stage with not even one opportunity to amend or correct for a non-prisoner pro per complaint who pays the full filing fees despite plausible allegations arising under 42 U.S.C. § 1983 and the U.S. Constitution stated in short plain statements and individual numbered paragraphs sufficient to tell enough of a story to at least amend where the only alleged defect was a manifest error of law on the "state actor" requirement under *Dennis v Sparks* corrected on a FRCP 59 FRCP 60 motion to vacate and reinstate the action that also showed undisclosed potential conflicts and potential appearance of impropriety in discovery at the initial pleading stage implicating fair access to the Courts and justice nationally for pro se, pro per non prisoner complaints paying full filing fees?

2. Whether a District Court Judge must recuse under 28 U.S.C. § 455 at least for the appearance of impropriety at the Screening and Initial complaint stage where his spouse was employed in a senior legal role at the defendant financial institution during the operative period of the events giving rise to the complaint and the bank where the Judge also held substantial stock during operative years of the complaint had threatened Petitioner's liberty interests?

3. Did the US 7th Circuit violate this Court's ruling in *Forman v. Davis* by affirming a District Court

decision and denying rehearing *en banc* that sua sponte dismissed with prejudice and denying even one opportunity to amend the complaint by a pro per filing where all fees are paid where potential conflicts of interest by the District Judge were undisclosed at the time of the sua sponte dismissal with prejudice and FRCP Rule 59-60 showed "plausibility" under *Iqbal* and the District Court misapplying the pleading standard of drawing all reasonable inferences in Petitioner's favor at the pleading stage just to get access to the federal courts and justice?

PARTIES TO THE PROCEEDING

Angela Campbell Pro Per is the Petitioner on this Writ and was the Appellant at the U.S. 7th Circuit and Plaintiff paying full filing fees in the U.S. District Court of Western Wisconsin.

Per DE No. 3 at the U.S. 7th Circuit "This is notification that no appellee(s) or counsel for the appellee(s) were served in the District Court. [3] [7416171] (Note: The Office of the Wisconsin Attorney General has been notified of the filing of the appeal.) [24-2719] (AD)

[Entered: 11/06/2024 02:18 PM]"

Thus, no party appeared in the U.S. 7th Circuit Court of Appeals but the Wisconsin Attorney General was served on behalf of Wisconsin Governor Tony Evers and made no appearance.

No parties appeared in the U.S. District Court proceedings as the Summons was not allowed to be served on any party. Petitioner Campbell had named the Governor on behalf of the State of Wisconsin and several private parties including attorneys.

CORPORATE DISCLOSURE STATEMENT

Petitioner Angela Campbell is pro per and individual and no corporate disclosure isrequired by the Rules.

No other parties have appeared requiring a corporate disclosure statement.

STATEMENT OF RELATED PROCEEDINGS

Angela Campbell, Plaintiff-Appellant v. Governor Tony Evers, et al, Defendants-Appellees, No. 24-2719, U. S. Court of Appeals for the Seventh Circuit. On Appeal from the United States District Court for the Western District of Wisconsin, Case No.: 24-cv-374-jdp

ORDER: Appellant Angela Campbell Petition for Rehearing and Petition for Rehearing

En banc is DENIED. [7] [7443095] [24-2719] (FP) [Entered: 03/28/2025 08:47 AM]

Filed Nonprecedential Disposition PER CURIAM. AFFIRMED. Michael B. Brennan,

Circuit Judge; Amy J. St. Eve, Circuit Judge and Doris L. Pryor, Circuit Judge. [4]

[7436645] [24-2719] (HTP) [Entered: 02/25/2025 09:41 AM]

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Fed. R. Civ. P. 4 – Requirement for issuance of summons

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OPINIONS BELOW

The Order of the US 7th Circuit Court of Appeals denying Rehearing En Banc and Rehearing can be found at Court of Appeals Docket #: 24-2719 Docket No. 7 on March 28, 2025 and *Per Curiam* Affirmance at Docket No. 4 and Final Judgment Docket No. 5 on February 25, 2025.

The Order of the US District Court of the Western Districr of Wisconsin can be found at 3:24-cv-00374-jdp Docket Entry 3 and Judgment Docket Entry 4 on June 13, 2024 and

Order denying FRCP 59-60 relief at Docket Entry 9 on August 30, 2024 and Text Order issued after Notice of Appeal filed at Docket No. 15 on October 4, 2024.

JURISDICTION

The Court of Appeals of the U.S. 7th Circuit entered an Order denying Rehearing *en banc* and Rehearing on March 28, 2025 This Court's Jurisdiction is invoked under 28 U.S.C. § 1254(1).

RELEVANT FEDERAL RULES OF CIVIL PROCEDURE

This case involves the rights of Pro Se (Pro Per) non-prisoner Plaintiffs who have paid all filing fees including the rights to Amend the Complaint under FRCP 15 and the rights of reinstating the case under FRCP 59 and FRCP 60.

INTRODUCTION

This case raises fundamental issues of due process and fair access to the Courts nationally concerning whether pro se (pro per) litigants who are non-prisoners and have paid full filing fees have meaningful access to the federal courts and to justice to be afforded even one opportunity to amend a complaint which is otherwise available as a matter of right under FRCP 15 if the complaint (Appendix Vol. VII at App-245-269) had been filed by an attorney.

The case also brings up whether this right to even have one amendment of the complaint should have been granted where the Plaintiff had shown during a motion to vacate (Appendix I, Vol. IV at App-149-154) and reinstate the action under FRCP 59 and FRCP 60 that the only defect noticed in the sua sponte dismissal with prejudice on the 42 USC 1983 claim was a manifest error of law and fact under the U.S. Supreme Court standard in *Dennis v. Sparks* (Appendix I, Vol. IV at App-149-154).

This case also raises the question of whether a Federal District Judge can independently investigate the pro per Plaintiff's complaint at the Screening stage by searching related State Appeals dockets (Appendix J, Vol. VII at App-241) and what disclosures should be made during the Conflict review screening at the time of case assignment to an individual District Judge where in this case the District Judge assigned failed to disclose at the initial pleading stage that the Judge's spouse worked as a Senior Legal counsel at the Defendant bank during the operative time of events (Appendix I, Vol. IV at App-143-149; Appendix K, Vol. V at App-169, App-174) alleged in the complaint where Plaintiff had raised threats to Constitutional liberty issues in merely seeking civil discovery (Appendix K, Vol. VII at App-262) where the banking issues raised in Plaintiff's complaint (Appendix K, Vol. VII at App-

252-260) have broad national implications for P.O.D. accounts and wealth transfer planning.

Petitioner Campbell had filed a factually detailed complaint (Appendix K, Vol, VII at App-245-269) in separately numbered paragraphs with short plain statements that "told a sufficient story" to allow at least one opportunity to amend at the Screening stage particularly where during the initial FRCP59 and FRCP 60 motion (Appendix I, Vol. IV at App-133-238) Plaintiff pro se had shown the only defect noticed to Plaintiff according to due process was a manifest error of law by the District Court in applying the "state actor" requirements of 42 USC 1983 under *Dennis v Sparks* (Appendix I, Vol. IV at App-149-154).

Plaintiff was impacted during post Dismissal with prejudice motion process by discovering the undisclosed facts that the District Judge's spouse was Senior Legal Counsel for the involved Defendant Bank (Appendix I, Vol. IV at App-143-149; Appendix K, Vol. V at App-169, App-174) where Plaintiff's liberty interests were threatened (Appendix K, Vol. VII at App-262) and that the Judge himself had held undisclosed substantial financial assets in the Defendant Bank (Appendix I, Vol. IV at App-137-143 and Vol. V at App-170, App-175, App-186, App-193).during operative years of the complaint.

After showing the only defect noticed by the sua sponte dismissal with prejudice on the 42 USC 1983 claim was a manifest error of law, instead of reinstating the action and affording Plaintiff even one opportunity to

amend the District Court raised new alleged defects on "plausibility" that Plaintiff had no due process opportunity to correct by even one opportunity to amend thus being denied fair access to the federal courts and justice at the Screening stage of a pro se complaint by a non prisoner who paid all the fees.

The U.S. 7th Circuit affirmed the sua sponte dismissal with prejudice not allowing even one opportunity to amend and violating this Court's decision in *Foman v Davis*. The case also brings up what disclosures and actions should be taken for Conflict screening and at least the "appearance of impropriety" standard on Disqualification.

Petitioner had shown in the original complaint that the involved bank where the District Judge's spouse was Senior Legal Counsel (Appendix I, Vol. IV at App-143-149; Appendix K, Vol. V at App-169, App-174) had knowingly withheld from a State Court proceeding the actual P.O.D. policies of Associated Bank that had taken over by merger from Bank Mutual. (Appendix K, Vol. VII at App-257-261). Petitioner's complaint had shown hundreds of banks

and statements from banking personnel had been denied as witnesses in the State court proceeding.

The U.S. 7th Circuit ran afoul of this Court's ruling in *Foman v Davis* by affirming the District Court per curiam Appendix C, Vol. II at App-3-25) without even one opportunity to amend afforded to a pro se (pro per) non prisoner who paid the full filing fees.

STATEMENT OF THE CASE

I. The District Court committed a manifest error of law on the "State actor" requirement under 42 USC 1983 (Appendix I, Vol. IV at App-149-154). misapplying this Court in *Dennis v Sparks* and abused its discretion in sua sponte dismissing with prejudice at the Screening Stage and denying even one opportunity to amend even after the only due process defect noticed for the "state actor" requirement was corrected on a FRCP Rule 59-60 Motion to vacate the dismissal with prejudice and reinstate the case. (Appendix I, Vol. IV at App-149-154).

Petitioner, a non-prisoner and private citizen, filed a civil rights complaint under 42 U.S.C. § 1983 in the United States District Court of Western Wisconsin accompanied by full payment of the filing fee. The complaint alleged detailed facts of a scheme of due process violations, conspiracy under color of state

law, and constitutional deprivations arising from improper state court proceedings. The only complaint filed was in separate paragraphs, and provided detailed factual allegations in short plainstatements. See, Complaint, Appendix K, Vol. VII, App-245-269).

In addition to the 42 USC 1983 claim, Petitioner had filed a count in the initial complaint under the Contracts Clause of the US Constitution relating to Wisconsin statutes applied in contravention of the express Contract language for P.O.D. accounts. Petitioner had sought Declaratory relief under the Contracts clause (Appendix K, VII at 262-. Petitioner had also included statelaw claims for unjust enrichment by Associated Bank and private individuals. See, Complaint (Appendix K, Vol. VII, at App-266-268).

The underlying state court proceedings had involved Petitioner's claim as a vested Beneficiary of specific P.O.D. accounts with her mother Marion which had specific contract policy language. Petitioner's complaint showed (Appendix K, Vol. IV at 263-265) concerted action by Associated Bank and the State Court Judge to keep the actual published policies of Associated Bank out of the record and that the State Court had wrongfully used Wisconsin statestatutes to override her rights in Contract by the actual policies and records. The involved P.O.D.

accounts were in excess of $1 million in value combined over several accounts.

Petitioner had shown that she requested and paid for a Jury trial in the State Court which was taken away. Petitioner's complaint showed detailed facts of concerted actions by the Bank's lawyers and Judge and other lawyers to keep the actual Associated Bank policies from the case and to keep banking witnesses out of the case (Appendix K, Vol. VII at App-262-265). See, Complaint DE No. 1 June 7, 2024 Appendix K, Vol. VII at App-245-269).

Petitioner's only filed complaint in the District Court also alleged a threat against her liberty interests by Associated Bank (Appendix K, Vol. VII at App-262) merely for seeking civil discovery of bank policies.

Petitioner had shown many banks that applied the policies according to Petitioner's Claim (Appendix K, Vol. VII at App-258-260) and witnesses that were never heard in the State Court and that these banking issues were of national importance.

Paragraph 81 of the complaint had alleged, "In Campbell's search for pertinent information, Campbell was prohibited by Defendant Associated Bank's counsel Defendant Foley, who wrote that if Campbell or anyone associated with her have contact with any employees or former employees of

Associated Bank and/or Bank Mutual ...we will make a report to the appropriate law enforcement and the court." See, Appendix K, Vol. VII at App-262.

The District Court at the Screening stage issued a sua sponte dismissal with prejudice not affording Petitioner even one opportunity to amend her complaint which had "told a sufficient story" under U.S. 7th Circuit precedent and U.S. Supreme Court pleading standards to allow at least one opportunity to amend under due process upon notice of any alleged defects. See, Order and Judgment of Dismissal by District Court June 13, 2024, Appendix J, Vol. VII at App-239-244.

After the sua sponte dismissal with prejudice at the Screening stage, Petitioner had abandoned the Contracts Clause claim in a timely motion to vacate and reinstate the complaint with an opportunity to amend under FRCP 59-60 motion but asserted amendments were possible for prospective injunctive relief. See, Appendix I, Vol. IV at App-133-166.

Petitioner had shown during this FRCP 59-60 process that the only defect noticed for due process on the 42 USC 1983 claim relating to the "state actor" requirement was a manifest error of law in (Appendix I, Vol. IV at App-149-154) applying this Court's standard under *Dennis v Sparks*. Thus,Petitioner should have been granted the motion to vacate and reinstate the action and amend the

complaint on this ground because it was the only defect noticed by due process standards to correct by amendment. See, DE No. 7, July 9, 2024, (Appendix I, Vol. at App-125-127).

Petitioner had shown on FRCP Rule 59-60:

> "42. The Chief Judge herein has issued a manifest error of law in assessing the state actor requirements and the Judgment must now be vacated and the futility finding reversed.
>
> 43. Plaintiffs complaint showed collusion and conspiracy with the "state actor" Judge Cross and yet the Dismissal misapplied the law and then erroneously suggested Plaintiff was adding the Judge as a party but had not done so."
>
> 47. As the Court of Appeals correctly understood our cases to hold, to act "under color of" state law for § 1983 purposes does not require that the defendant be an officer of the State. It is enough that he is a willful participant in joint action with the State or its agents. Private persons, jointly engaged with state officials in the challenged action are acting "under color" of law

for purposes of § 1983 actions. *Adickes v. S. H. Kress Co.,* 398 U.S. 144, 152 (1970); *United States v. Price*, 383 U.S. 787, 794 (1966), See *Dennis v Sparks,* 449 U.S. 24 (1980) See, *Dennis v Sparks*, 449 U.S. 24 (1980)." (Appendix I, Vol. IV at App-149-154),

48. "Private parties who corruptly conspire with a judge in connection with such conduct are thus acting under color of state law within the meaning of § 1983 as it has been construed in our prior cases. The complaint in this case was not defective for failure to allege that the private defendants were acting under color of state law, and the Court ofAppeals was correct in rejecting its prior case authority to the contrary." See, *Dennis v Sparks*, 449 U.S. 24 (1980)." See, DE No. 7, Appendix I,Vol. IV at App-150-151.

The Complaint had shown Associated Bank's counsel present at every proceeding and "standing silent" on it's own public policies shielding the actual P.O.D. policy information from the Court and that the State Judge and other lawyers were aware of this. See Appendix K, Vol. VII at 262-265.

Because research had shown it was such a rare and unusual action for a District Court to deny even one opportunity to amend a complaint by a pro se plaintiff who was not a prisoner and had paid all required fees, Petitioner began research that showed the District Court Judge had held up to $100,000.00 or more in assets at Defendant Associated Bank during the operative years of the complaint's allegations (Appendix I, Vol. IV at App-137-143 and Vol. V at App-170, App-175, App-186, App-193) and more importantly discovered that the District Judge's spouse had been in a Senior Legal Counsel position at the Defendant bank (Appendix I, Vol. IV at App-143-149; Appendix K, Vol. V at App-169, App-174) also during operative years of the complaint where Petitioner had her liberty interests threatened simply (Appendix K, Vol. VII at App-262) for seeking civil discovery of bank policies. Petitioner raised these potential conflicts that were undisclosed by the District Court as a basis for disqualification under 28 USC 455 at least on appearance of impropriety grounds. See Rule 59-60 DE No. 7, Appendix I, Vol. V, App-167-201.

Petitioner had shown that it was 7th Circuit precedent like other Circuits for a Plaintiff to first move to vacate a sua sponte dismissal by FRCP 59-60 and reinstate the action before filing an Amended complaint as there was no action to amend the complaint in until the FRCP 59-60 relief was

granted. Petitioner also had shown that where potential conflicts are present the perspective of the Plaintiff should be considered upon any further pleading. See, DE No. 7, July 9, 2024, Appendix I, Vol. IV.

Even though Petitioner had already satisfied the only defect noticed by due process on the 42 USC 1983 claim, Petitioner offered further factual details in support showing clear indication of something awry in the State Court proceedings where the StateJudge had never identified any of the "material facts" relied upon in issuing a first denial of Summary Judgment to the party adverse to Petitioner. Petitioner further showed that no attorney ever sought to determine what these "material facts" were to allow the state case to proceed in normal fashion consistent with due process. Petitioner further showed her own attorney did not seek out these material facts and had to discharge the attorney after adopting a prior summary judgment position without knowing the material facts from the first state decision. Petitioner had raised res judicata in the state proceedings. See, Rule 59-60 timely motion DE No. 7 July 9, 2024, Appendix I Vol IV at App-157-158.

In denying the motion to vacate and reinstate the action, the District Court failed to address the "state actor" requirement that was the only due process

defect noticed to the Petitioner which Petitioner had now cured and corrected by showing the manifest error of law and instead proceeds to add "new" defects allegedly on "plausibility" without due process opportunity to correct by amendment. Not only had Petitioner showed "plausibility" but Petitioner showed misapplication of inferences inPetitioner's favor as required at the pleading stage and showed at least the appearance of impropriety or impartiality by the failure to Disqualify where the Judge's spouse was Senior Counsel at the the Defendant Bank (Appendix I, Vol. IV at App-143-149; Appendix K, Vol. V at App-169, App-174) that could be involved in Discovery on the threats against liberty made to Petitioner (Appendix K, Vol. VII at App-262) and Recusal should have issued.

In denying the motion to vacate and reinstate the action, the District Court did not address the only defect it had provided notice to Petitioner on that Petitioner had cured and shown was a manifest error of law by the District Court on the "state actor" requirement of 42 USC 1983 thus running afoul of this Court in *Dennis v Sparks*. The District Court denied Disqualification claiming his financial interests in Defendant Associated Bank had been sold off (Appendix H, Vol. IV at 123) before this federal action had started although the stock was held during the recent operative years of the

complaint (Appendix I, Vol. IV at App-137-143 and Vol. V at App-170, App-175, App-186, App-193).

The District Court issued a blanket statement that his Spouse had left employment at Defendant Associated Bank (Appendix H, Vol. IV at App-122) but did not disclose when thus claiming there was no conflict or potential appearance of impropriety.

The District Court did recognize that the complaint was only at the pleading stage and amended the Dismissal with prejudice (Appendix G, Vol. IV at App-118-119) to allow Petitioner to pursue unjust enrichment in the State Court but the District Court failed to address that the federal complaint was also in the pleading stage to be amended when denying Disqualification (Appendix H, Vol. IV At App-123) based on his spouse's employment at the Defendant Bank (Appendix I, Vol. IV at App-143-149; Appendix K, Vol. V at App-169, App-174), where the complaint alleged a threat against liberty by the Bank (Appendix K, Vol. VII at App-262). The District Court failed to draw all reasonable inferences in favor of Plaintiff according to established lawat the pleading stage and instead created new alleged defects on "plausibility" on the 42 USC 1983 claim but denied Petitioner due process notice and opportunity to correct or amend these new alleged defects and instead continued the Dismissal with prejudice without any opportunity to amend.

The District Court not only failed to apply inferences in Petitioner's favor at the pleading stage but went as far as finding at the pleading stage that Petitioner's allegations were nothing more than "disagreements" with how the State Court ruled and thus failed to give Petitioner every reasonable inference in Petitioner's favor since the allegations showed standard practice of any trial or case had been abandoned on summary judgment in such a manner as to create an inference of wrongdoing that should have been in Petitioner's favor.

While Petitioner had raised on the motion to vacate and reinstate that the District Court took the unusual action at the Screening stage of independently reviewing Petitioner's pending Appeal docket in the State Court where he previously Clerked, the District Court dismissed that by simply stating past employment was not relevant while omitting any discussion of the propriety of independently investigating Petitioner's complaint which raises issues under the Judicial Code of Conduct for having knowledge of disputed material facts. See, Order and Amended Judgment of the District Court DE No. 9, 10. Appendix G, Vol. IV, App-118-119 and Appendix H, Vol. IV, App-120-132.

Petitioner filed a second motion to vacate and reinstate under FRCP 59-60 based upon the second Order dismissing with prejudice and no opportunity

to amend. See DE No.11, Sept. 23, 2024. Appendix F, Vol. III, at App-76-117. Petitioner filed a timely Notice of Appeal to the U.S. 7th Circuit on Sept. 27, 2024. See DE No. 11.

Petitioner's second motion to reinstate the action and vacate the dismissal clearly showed how the District Court had not addressed all the potential conflicts and Petitioner focused on the potential conflict in Discovery as the Associated Bank policies were directly at issue for the P.O.D. accounts but also in relation to threats against Petitioner's liberty (Appendix K, Vol. VII at App-262) and that the Judge's spouse was in a Senior legal counsel position at the Bank during the operative years (Appendix I, Vol. IV at App-143-149; Appendix K, Vol. V at App-169, App-174) and within the scope of discovery at the pleading stage.

Petitioner also raised the US Courts Screening policies under § 410.30 Policy Requirements to pre-screen cases before accepting assignment where Associated Bank had to be known to the District Court for these purposes. Petitioner also raised

Canon 3 of the Code of Conduct for US Judges and the clear manifest errors of law in applying reasonable inferences in Petitioner's favor. See DE No. 11, Sept. 23, 2024.

Petitioner had shown in this second motion as follows:

> "82. The Chief Judge as a Judge and lawyer knows the standard for summary judgment and knows and should know that without identifying what issues are going to Trial or preventing a Judgment that it becomes impossible for a case to fairly proceed with due process and when taken in the context that this is all done around POD policies that are known to the State Judge and defendant lawyers yet they are preventing the Plaintiff from accessing the information in Discovery and are standing silent in bringing the information into Court when this is the main issue at stake, at this stage of proceedings. Plaintiff bas pleaded enough to move forward with the Summons and at the very least be given leave to Amend a complaint if needed before a neutral Judge.
>
> 83. Instead of drawing reasonable inferences in favor of Plaintiff, the Chief Judge drew the inferences in favor of the Defendants that this may only be malpractice or a disagreement with the

> Judge's decision all of which is knowingly against established Court standards at this stage." See DE No. 11, Sept. 23, 2024. Appendix F, Vol. III at App-103-104.

Petitioner had further showed how the District Court imposed a heightened pleading standard and not followed this Court's standards as follows: A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw thereasonable inference that the defendant is liable for the misconduct alleged. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009). Factual allegations are accepted as true at the pleading stage. See DE No. 11, Sept. 23, 2024. Appendix F, Volume III, at App-107-108.

III. The U.S. 7th Circuit ran afoul of this Court in *Foman v Davis* in affirming the District Court's denial of even one opportunity to amend using a case on "futility" not applicable and where no other grounds for "futility" were present.

After Petitioner filed the Notice of Appeal to the US 7th Circuit on Sept. 27, 2024 and the Appellate Court acquired jurisdiction, the District Court issued a Text Order denial of the second motion to vacate. See DE No. 15, Oct. 4, 2024. Appendix E, Vol. IV at App-74-75.

The U.S. 7th Circuit in affirming *per curiam* and denying rehearing *en banc* and rehearing went afoul of this Court's standards in *Foman v Davis* misapplying the futility standard and denying even one opportunity to amend. This Court has upheld and stated, "In the absence of any apparent or declared reason— such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc. — the leave sought should, as the rules require, be freely given." *Foman v. Davis,* 371 U.S. 178, 182, 83 S.Ct. 227, 9 L.Ed.2d 222 (1962).

Petitioner had shown the US 7th Circuit it had not followed it's own precedents on the right to amend and procedure of filing first to vacate and reinstate under FRCP 59-60 so an Amendment could be filed after the action was reinstated. None of the factors to justify futility were present and on the limited record it could not be said that there was no basis to allow at least one amendment.

REASONS FOR GRANTING THE PETITION

I. The District Court's Sua Sponte Dismissal Without Leave to Amend Violates Federal Procedural Norms and Due Process and is

important nationally for Pro Se (Pro Per) Plaintiffs who pay the filing fees.

The underlying case also brings up important National Banking issues and Contract rights to be applied.

It is well-settled that leave to amend "shall be freely given when justice so requires."*Foman v. Davis*, 371 U.S. 178, 182 (1962). Federal courts have uniformly held that a pro se litigant must be given at least one opportunity to amend a deficient complaint, unless amendment would be futile. See *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000) (*en banc*); *Bazrowx v. Scott*, 136 F.3d 1053 (5th Cir. 1998).

Here, Petitioner was not proceeding IFP and was entitled to ordinary civil process, including issuance of summons.

II. The Failure to Disclose or Disqualify Due to Judge's Spouse's Employment Creates an Appearance of Bias

A federal judge must disqualify where "his impartiality might reasonably be questioned"or where his spouse has "an interest that could be substantially affected." 28 U.S.C. § 455(a), (b)(5). See *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988).

Failure to disclose such a relationship in a case involving the spouse's employer is structural error and requires vacatur. See *Caperton v. A.T. Massey Coal Co., 556 U.S.* 868 (2009).

III. The Petition Raises Systemic Questions About Pro Se Access to Justice and Judicial Accountability

If allowed to stand, the ruling permits federal courts to dispose of legitimate civil rights complaints without adversarial process, service, or procedural protections. It also sends a dangerous message that judicial conflicts involving financial institutions can be quietly buried through screening dismissals.

CONCLUSION

This case presents fundamental questions about due process, judicial impartiality, and the right of a pro se litigant to access civil justice. The District Court;s failure to recuse, combined with its sua sponte dismissal and refusal to permit amendment, warrants this Court's intervention.

Petitioner respectfully requests that the Court grant this Petition for a Writ of Certiorari.

Respectfully submitted,

s/ Angela Campbell
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June 2, 2025

IN THE
SUPREME COURT OF THE UNITED STATES

Angela Campbell,
Petitioner,

v.

Governor Tony Evers of the State of Wisconsin, in his official capacity for Declaratory Relief, Associated Bank, N.A., Aaron J. Foley, Scott Austin, John Miller, Michael Greiber, and Jeffrey Mark Mayer,
Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Seventh Circuit

APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI

Volume I
(Pages App-1 through App-25)

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APPENDIX A

Case: 24-2719 Document: 7 Filed: 03/28/2025 Pages: 1

United States Court of Appeals
For the Seventh Circuit

March 28, 2025

Before

MICHAEL B. BRENNAN, Circuit Judge

AMY J. ST. EVE, Circuit Judge

DORIS L. PRYOR, Circuit Judge

No. 24-2719

ANGELA CAMPBELL,
District
Plaintiff-Appellant,

v.

TONY EVERS, et al.,
Defendants-Appellees.

Appeal from the United States

Court for the Western District of Wisconsin.

No. 3:24-cv-00374-jdp

James D. Peterson,
Judge.

O R D E R

On consideration of the petition for rehearing en banc and rehearing filed on March 13, 2025, no judge in regular active service has requested a vote on the petition for rehearing en banc and the judges on the original panel voted to deny rehearing. It is, therefore, ORDERED that the petition for rehearing en banc and rehearing is DENIED.

APPENDIX B

NO. 24-2719

IN THE
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Angela Campbell, Plaintiff-Appellant v. Governor Tony Evers, et al, Defendants-Appellees

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On Appeal from the United States District Court for the Western District of Wisconsin, Case No.: 24-cv-374-jdp

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PETITION FOR REHEARING EN BANC AND REHEARING

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28 USC Sec. 455

28 U.S.C. § 2201

42 USC Sec. 1983

Federal Rules of Civil Procedures:

FRCP 15

FRCP 59

FRCP 60

Secondary Source:

Federal Practice and Procedure § 1357 (2d ed. 1990),
5A Charles Allen Wright Arthur R. Miller .....

PETITION FOR REHEARING EN BANC RULE 40 STATEMENT

A. Panel Decision conflicts with Decision of this Court in *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014 (7th Cir. 2013) and full Court's consideration is therefore necessary to secure and maintain uniformity of Court's decisions.
Campbell did not have due process notice of any defects and has been denied even one opportunity to amend and correct, thus En Banc review is proper.

B. Panel Decision conflicts with Decision of this Court in *Taylor v. The Salvation Army Nat'l Corp.*, No. 23-1218 (7th Cir. Aug. 6, 2024); full Court's consideration is therefore necessary to secure and maintain uniformity of Court's decisions.

This case upholds Plaintiffs being granted even 4 opportunities to amend complaints and correct any defects. Campbell has not been afforded even one opportunity. Thus En Banc review is proper.

C. Panel Decision conflicts with Decision of this Court. Full Court's consideration is therefore necessary to secure and maintain uniformity of Court's decisions. See, *Johnson v. Pushpin Holdings, LLC*, 748 F.3d 769 (7th Cir. 2014).

Campbell should have been granted one opportunity to amend to cure any defects or allege fraud and unlawful conduct that misled Court into issuing judgment. En Banc review is now proper.

D. Panel Decision conflicts with Decision of this Court; full Court's consideration is therefore necessary to secure and maintain uniformity of Court's decisions. See, *Stoller v. Walworth Cnty.*, No. 18-1770 (7th Cir. May. 30, 2019).

Campbell has been improperly denied even one opportunity to amend, thus En Banc review is proper.

E. Panel Decision conflicts with Decision of this Court; full Court's consideration is therefore necessary to secure and maintain uniformity of Court's decisions. See, *Vicom v. Harbridge Merchant Services, Inc.*, 20 F.3d 771 (7th Cir. 1994).

Campbell followed this 7th Circuit policy in filing timely motions under Rules 59-60 to vacate Dismissal, reinstate action before filing an amended complaint, the Panel decision overlooked or disregarded this, and En Banc review is proper as Campbell has been denied even one opportunity to amend or correct.

F. Panel Decision conflicts with Decision of U.S. Supreme Court and full Court's consideration is therefore necessary to secure and maintain uniformity of Court's decisions. See, *Foman v. Davis*, 371 U.S. 178, 83 S. Ct. 227 (1962).

Here, Campbell was not guilty of any factor that would justify futility as Campbell had not even fully gotten in Courthouse doors and never even got one chance to Amend. Panel decision did not properly analyze futility as Campbell had shown a sufficient story that holds together sufficient to at least get one amendment, therefore En Banc review is proper.

G. Proceeding involves one or more questions of exceptional importance, each concisely stated, as this case brings up exceptional importance of fair access to courts and justice impacting Pro Per Plaintiffs, the right to due process fair notice to correct or amend at pre-screening stage and right to at least one opportunity to amend or correct any alleged defects.

INTRODUCTION

Plaintiff-Appellant Angela Campbell ("Campbell") seeks En Banc review of 3-Judge Panel Affirmance of February 25, 2025 as this Decision runs afoul of years of established precedent by this U.S. 7th Circuit and precedent of U.S. Supreme Court, implicating fundamental due process Notice rights of Pro Per Plaintiffs at initial Pleading and Screening Stage before even getting fully into Courthouse doors further implicating Equal access to Justice.

1. Campbell filed detailed complaint with short and plain allegations sufficient to give defendants fair notice of claims.

2. Campbell corrected the only error on the initial dismissal on the "state actor" requirement for federal due process claims by showing manifest error by District Court on a timely Rule 59-60 motion.

3. Campbell was not given any due process notice on "new" alleged errors on "plausibility" or opportunity to correct or amend even once.

4. Campbell followed 7th Circuit policy of moving to vacate and reinstate action before seeking to file amended complaint.

5. Campbell stated a sufficient story that holds together to be granted one opportunity to amend which is not futile.

6. 3-Judge Panel did not review or address manifest error of law shown on timely Rule 59-60 that Campbell did to correct any defect as this was only defect she had any notice of and corrected it on the Rule 59-60 nor properly address "futility" as the case cited by Panel *Fries v. Helsper*, 146 F.3d 452, 457–58 (7th Cir. 1998) involved a Plaintiff who brought 5 lawsuits and was engaged in motion practice and was at a different stage of litigation than Campbell.

En banc review is proper.

PROCEDURAL BACKGROUND

The case comes to this Court for En Banc review after no analysis by 3-Judge Panel of manifest errors of law by District Court which was only error Campbell had any notice of when filing Rule 59-60 leading to Affirmance by the 3-Judge Panel in conflict and contrary to established precedent by this very U.S. 7th Circuit and U.S. Supreme Court. Campbell had no due process notice of "new" errors on "plausibility" and was denied due process notice and opportunity for even one amendment to correct. En banc review is proper.

REASONS FOR GRANTING REHEARING EN BANC

Certainly en banc review is appropriate to overrule precedents in conflict with this very U.S. Court of Appeals of the 7th Circuit and U.S. Supreme Court authority.

Decision is in conflict with this Court's own policies and precedents on granting a Plaintiff at least one opportunity to correct any defects and amend a complaint especially for Pro Per litigants at pre-screening stage before any summons has been served. This decision is in conflict with U.S. Supreme Court's liberal standards in favor of allowing amendments to determine cases on the merits.

Court's overlooking or disregarding of manifest error of law by District Court in first dismissal as shown by first FRCP Rule 59-60 motion on the "state actor" requirements is critical to the errors in analysis and failure to address the due process denials to Campbell, Pro Per, at the pre-screening pleading stage and is why En Banc review is necessary as this is the first step to the Courthouse doors and entry of every single civil case.

ARGUMENT

("[A] plaintiff ordinarily retains the ability to amend his complaint once as a matter of right, even after a court grants a motion to dismiss."); *Bausch v. Stryker Corp.*, 630 F.3d 546, 562 (7th Cir.2010) ("A plaintiff is entitled to amend the complaint once as a matter of right, Fed.R.Civ.P. 15(a), and a court should 'freely give leave [to file an amended complaint] when justice so requires.' Fed.R.Civ.P. 15(a)(2).") (brackets in original); *Foster v. DeLuca*, 545 F.3d 582, 584 (7th Cir.2008) ("[A]n order dismissing the original complaint normally does not eliminate the plaintiff's right to amend once as a matter of right.") (internal quotations omitted).") See, *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1024 (7th Cir. 2013).

Here, Campbell has been denied this right to any amendment which is contrary to U.S. 7th Circuit and U.S. Supreme Court precedent and en banc rehearing should be granted.

Leave to amend a complaint should "be freely given when justice so requires." Fed.R.Civ.P. 15(a). "In the absence of any apparent or declared reason — such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc. — the leave sought should, as the rules require, be 'freely given.'" *Foman v. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227, 9 L.Ed.2d 222 (1962). That leave be "freely given" is especially advisable when such permission is sought after the dismissal of the first

complaint. Unless it is certain from the face of the complaint that any amendment would be futile or otherwise unwarranted, the district court should grant leave to amend after granting a motion to dismiss. See, *Barry Aviation v. Land O'Lakes Mun. Airport*, 377 F.3d 682, 687 (7th Cir. 2004).

Neither the District Court nor 3 Judge Panel could properly determine from the face of the complaint and Rule 59-60 motions that futility was proper and reversal should now occur. To the contrary, Panel case cited *Fries v. Helsper*, 146 F.3d 452, 457–58 (7th Cir. 1998) involved Plaintiff who brought 5 lawsuits, was engaged in motion practice and was at a different stage of litigation than Campbell. Campbell had presented a sufficient detailed story to merit an opportunity to amend.

"See also *Swanson v. Citibank, N.A.*, 614 F.3d 400, 404 (7th Cir.2010) (**explaining after Iqbal that the plaintiff need only "give enough details about the subject-matter of the case to present a story that holds together"**)". See, *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014 (7th Cir. 2013)

Campbell has presented a story that holds together at least to be allowed one opportunity to amend complaint.

"Without at least an opportunity to amend or to respond to an order to show cause, an IFP applicant's case could be tossed out of court without giving the applicant any timely notice or opportunity to be heard to clarify, contest, or simply request leave to amend. See *Eades v. Thompson*, 823 F.2d 1055, 1061–62 (7th Cir.1987) (" **Sua sponte dismissals without prior notice or an opportunity to be heard on the issues underlying the dismissal, however, generally may be considered hazardous....**" See, *Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014 (7th Cir. 2013)

"Of course, the vantage point of the plaintiff is also an important factor. Our expectations at the pleading stage must be commensurate with the information available at this pre-discovery stage." See *Bausch v. Stryker Co.*, 630 F.3d 546, 561 (7th Cir. 2015). See, *Taylor v. The Salvation Army Nat'l Corp.*, No. 23-1218 (7th Cir. Aug. 6, 2024).

This Panel's decision did not properly consider Campbell's viewpoint after potential conflicts had been discovered during Rule 59-60.

Campbell satisfied all established precedent of both US 7th Circuit and U.S. Supreme Court to entitle Appellant to Reversal of Dismissal with prejudice and remand for at least one opportunity to Amend and correct upon fair due process notice. Because this fundamental right has been denied contrary to precedent, En Banc review is proper and should be granted.

3-Judge Panel's Affirmance overlooks or misapprehends these fundamental ,rights and provides no analysis of these rights in Affirmance again running afoul of established 7th Circuit precedent and U.S. Supreme Court rule making this Petition proper for En Banc review by full panel.

"The rule does not bar a federal suit that seeks damages for a fraud that resulted in a judgment adverse to the plaintiff. E.g., *Nesses v. Shepard*, 68 F.3d 1003, 1004 (7th Cir.1995), and other cases cited in *Truong v. Bank of America, N.A.*, 717 F.3d 377, 383–84 (5th Cir.2013). Such a suit does not seek to disturb the judgment of the state court, but to obtain damages for the unlawful conduct that misled the court into issuing the judgment." See, *Johnson v. Pushpin Holdings, LLC*, 748 F.3d 769 (7th Cir. 2014). Campbell could amend to show fraud in the proceeding.

Because Campbell was denied due process notice of alleged defects on "plausibility" which did not come up until after sua sponte Dismissal with prejudice with no opportunity to amend or correct and has never been allowed to correct any alleged "plausibility" defects with proposed Amend complaint, denial of this right to cure and amend by 3-Judge Panel makes this case ripe for review En Banc by full panel. Therefore Affirmance should be reversed, vacated or modified to allow remand back to District Court with at least one opportunity to amend.

Campbell already showed 7th Circuit precedent on appeal where AI search shows nearly 1500 cases or more citing this very Court on issue of pre-screening dismissals without leave to amend all which allow for amendment. Therefore this 3-Judge Panel decision should have gone in Campbell's favor instead of leaving Campbell 1 out of 1500 that get denied even one Amendment or approximately 0.0006 Percent especially where it is shown herein that even the 3-Judge Panel did not analyze key fundamental due process and access to Court issues which again makes this case proper for En Banc review.

"**We have repeatedly stated that the "usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages,** at least where amendment would not be futile." *Abu-Shawish v. United States*, 898 F.3d 726, 738 (7th Cir. 2018) (collecting cases); *Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. & Nw. Ind.*, 786 F.3d 510, 520 (7th Cir. 2015). This proposition has even more force in pro se cases, like this, in which pleading standards are relaxed. *Abu-Shawish*, 898 F.3d at 738; *Perez v. Fenoglio*, 792 F.3d 768, 783 (7th Cir. 2015) (explaining that the "screening requirement does not—either explicitly or implicitly—justify deviation from the usual procedural practice"). Applicable authorities provide that plaintiffs enjoy leave to amend once as a matter of course before service of the complaint, and liberally thereafter "when justice so requires"; this right survives dismissal. FED. R. CIV. P. 15(a); *Luevano*, 722 F.3d at 1024." See, *Stoller v. Walworth Cnty.*, No. 18-1770 (7th Cir. May. 30, 2019).

Campbell commenced action by seeking Declaratory action for claims under U.S. Constitution's Contract Clause and other federal due process claims under 42 USC 1983 for ongoing proceedings in Wisconsin Courts over what should have been simple and direct claims under Contract law involving payable on death ("POD") contracts valued at over $1 Million dollars.

Campbell had filed other state law claims as part of same nucleus of operative facts as part of initial and only federal complaint filed in this action.

However, in what this very 7th Circuit has routinely called "hazardous," "unorthodox," "drastic," and more, Campbell faced sua sponte Dismissal of action with prejudice at pre-screening pleading stage on initial complaint, without allowing even one opportunity to amend complaint and correct any alleged errors or defects.

Thus, this Petition should be crystal clear that Campbell has only filed one Complaint and never been given even one opportunity to correct or cure any alleged defects with proper due process Notice and has been blocked from Courthouse doors of fair Justice which again is why this Petition is proper for En Banc review by a full panel.

Initial sua sponte Dismissal with prejudice by District Court only identified one defect in complaint as it related to the due process conspiracy claim and this alleged defect in fact was a manifest error of both law and fact by District Court relating to the "state actor" requirement in pleading 42 USC Sec. 1983 claim.

Campbell's only complaint was in numbered paragraphs, short and plain statements by Rule 8, gave defendants sufficient fair notice of the nature of the claims, was logical and sequential and "told the story" by specific coherent facts sufficient to have stated a claim but at the very least allow Campbell at least one opportunity to correct and cure any defects and because this harsh result against Campbell implicates the important issues of equal access to justice and fundamental due process notice at the pre-screening initial pleading stage this Petition is proper for En Banc review by a full panel.

Campbell in good faith followed decades long established precedent by this very 7th Circuit in first seeking to reinstate action Dismissed with prejudice and vacate the Dismissal by way of FRCP 59-60 motion before filing any Amended Complaint because the action was dismissed.

("There exists in this circuit a line of cases that require a plaintiff seeking leave to amend in the post-judgment context to file a Rule 59(e) or 60(b) motion prior to filing a Rule 15(a) motion. See *Twohy v. First Nat'l Bank*, 758 F.2d 1185,

1196 (7th Cir. 1985) ("This circuit has recently clarified that once a district court enters judgment upon a dismissal (as opposed to a mere dismissal of the complaint), the plaintiff may amend the complaint under Rule 15(a), Fed.R.Civ.P., solely with 'leave of court' after a motion under Rule 59(e) or 60(b), Fed.R.Civ.P., has been made and the judgment has been set aside or vacated.") (citing *Car Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1111 (7th Cir. 1984), cert. denied, 470 U.S. 1054, 105 S.Ct. 1758, 84 L.Ed.2d 821 (1985)).") See, *Vicom v. Harbridge Merchant Services, Inc.*, 20 F.3d 771, 784 (7th Cir. 1994)

However, because Dismissal with prejudice denying even one opportunity to Amend and correct was deemed so drastic as this 7th Circuit has repeatedly said by precedent, Campbell in good faith looked for factors to explain such an action and stumbled upon what at least presented potential conflicts of interest. District Judge failed to disclose substantial financial stock interest in Defendant Associated Bank where Judge's wife was Senior Managing Counsel during operative years of conduct complained in the first and only complaint which also was not disclosed to Campbell.

This was very relevant as one factual allegation in only complaint allowed to be filed alleged Defendant Associated Bank threatened Campbell's liberty interest, a federal right, if Campbell continued to get disclosures from Bank which had been concealed and withheld from Circuit Court in Wisconsin by Associated Bank and other lawyers despite Wisconsin attorney ethics Rules to the contrary regarding disclosures to the Court. Campbell had taken steps in Circuit Court to correct these errors to no avail.

Because it was unclear and unknown to Campbell based upon available Financial Disclosures of District Court, Campbell was placed in compromised position of pleading before potentially conflicted District Court where Court's spouse was at least theoretically potentially involved in any Discovery beyond initial Pleading stage as having been Senior Managing Counsel for Defendant Associated Bank who had threatened Campbell's liberty interests, withheld and concealed the actual applicable POD contract policy information from Wisconsin Circuit Court which would and should have made state case simple application of contract law.

Thus, Campbell made proper and reasonable choice to raise potential conflicts undisclosed in Dismissal with Prejudice at Screening stage on Rule 59-60 motion, expressly notifying District Court that Campbell was following established 7th Circuit precedent and practice to first vacate the Dismissal and reinstate action under this motion before submitting any proposed amended complaint as action was Dismissed.

Campbell expressly showed manifest error of law and fact by District on "state actor" alleged error in Pleading and Campbell thus corrected and satisfied

only identified defect in federal due process conspiracy claim on timely motion under Rules 59-60. This should have entitled Campbell to vacating Dismissal, reinstating action and being afforded at least one opportunity to amend complaint.

None of this was discussed or analyzed by 3-Judge Panel in Affirmance and perhaps was overlooked or disregarded. This is why En Banc review by a full panel is proper.

Instead, District Court with no due process Notice to Campbell being afforded of any other alleged defects in Complaint again continued Dismissal with prejudice of the federal claims by coming up with brand new alleged pleading errors on "plausibility" which Campbell had no opportunity to correct and no notice or knowledge that these alleged errors even existed and failed to address that Campbell had corrected alleged error on the "state actor" requirement by showing District Court had manifestly erred in Dismissing on this issue based on U.S. Supreme Court precedent *Dennis v Sparks*.

District Court did, however, Amend Dismissal to allow state law claims relating to unjust enrichment to go forward in the State court.

On the timely Rule 59-60 motion, Campbell had shown other basis to amend the complaint by acknowledging the Contracts Clause issue was misplaced but that Campbell could seek prospective injunctive relief on the due process issues and potentially certification of unconstitutional application of Wisconsin State statutes on the POD contracts to the Wisconsin Supreme Court. Campbell specifically cited established precedent by the U.S. 7th Circuit on each argument and expressly cited U.S. 7th Circuit precedent in allowing claims in the nature of fraud in the State Court judgment to be heard in federal court.

Campbell further "told a sufficient story" of detailed facts in the only complaint filed and on Rule 59-60 to be allowed at least one Amendment specifically showing concealment by Defendant Associated Bank and attorneys of the actual Associated Bank P.O.D. policy which would solve the case on simple contract terms and that the "state actor" Circuit Judge had knowledge of this and specifically had concealed what "genuine issues of material fact" denied an initial Summary Judgment and that the lawyers all specifically never determined these facts yet proceeded to take away Campbell's paid for Jury Trial over her objection and without her consent. The complaint specifically alleged the liberty interest threat against Campbell by Associated Bank for the mere civil process of trying to get proper policy information before the Circuit.

At initial pleading stage even during Pre-screening, all of these facts should have led to reasonable inferences in Campbell's favor and the liberty interest threat allegation clearly implicated federal rights of Campbell at stake.

Allegation of threats to Campbell's liberty interest by Defendant Associated Bank for pursuing civil process and truth is not only an important federal right but should have led to all reasonable inferences in Campbell's favor that "something" was awry and seriously wrong in Circuit Court proceedings in Wisconsin.

Campbell had shown fundamental changing of "pleading standards" by District Court and changing of the inferences which by law should have been in Campbell's favor where District Judge had "crossed the line" in denying Rule 59-60 and instead of making inferences in Campbell's favor became like an advocate adverse to Campbell acting as fact finder at the pre-screening pleading stage.

Because District Court did not analyze any issue of "futility" and this 3 Judge Panel has either misapprehended, overlooked or disregarded these issues petition is proper for En Banc review.

CONCLUSION

Accordingly, the Petitioner Campbell prays for Rehearing En Banc which is proper by a full panel or alternatively Rehearing so the Affirmance may be modified or reversed and the action remanded to the District Court and reinstated so at least one opportunity to amend the complaint is granted and for such other and further relief as may be just and proper.

Dated: March 10, 2025

s/ Angela Campbell
Angela Campbell
Pro Per PLAINTIFF-APPELLANT
600 Volk Street
Portage, WI 53901
(608) 628-9006

CERTIFICATE OF WORD COUNT

I HEREBY CERTIFY THIS PETITION CONFORMS WITH WORD COUND REQUIREMENTS OR RULE 40.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 11, 2025 a Petition for Rehearing En Banc was filed with the US Seventh Circuit by US Postal Mail and that No Service on any party was made as no party has appeared in the action as the Summons was

never served after a Dismissal with prejudice at the Screening stage of the initial complaint.

Dated: March 10, 2025

s/ Angela Campbell

Angela Campbell
Pro Per PLAINTIFF-APPELLANT
600 Volk Street
Portage, WI 53901
(608) 628-9006

APPENDIX C

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted February 24, 2025*
Decided February 25, 2025

Before

MICHAEL B. BRENNAN, Circuit Judge

AMY J. ST. EVE, Circuit Judge

DORIS L. PRYOR, Circuit Judge

No. 24-2719

ANGELA CAMPBELL,
Plaintiff-Appellant,

v.

TONY EVERS, et al.,
Defendants-Appellees.

Appeal from the United States District Court for the Western District of Wisconsin.

No. 24-cv-374-jdp

James D. Peterson,
Chief Judge.

ORDER

Angela Campbell brought this suit to obtain funds from her deceased mother's bank accounts. She previously litigated and lost a related suit in state court. While her appeal in the state case was pending, Campbell brought this federal suit, alleging that

*The appellees were not served with process and are not participating in this appeal. We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

the state court's decision violated her constitutional rights under the Contract Clause and Due Process Clause. The district court dismissed the complaint at screening for failure to state a claim. We affirm.

We accept the allegations in Campbell's complaint as true and view them in the light most favorable to her. Thomas v. Neenah Joint Sch. Dist., 74 F.4th 521, 522 (7th Cir. 2023). After Campbell's mother, Marion Roesler, died in 2019, family members disputed the proper distribution of funds from her accounts at Associated Bank. Marion had named as beneficiaries her three children—Campbell, Kathleen Ketterer, and Ricky Roesler. But Ketterer predeceased her. Ketterer's son, Scott Austin, filed a suit in Wisconsin state court arguing under state law that he was entitled to a share of the proceeds. Campbell disagreed, arguing that Associated Bank's policies dictated that Ketterer's portion of the funds be divided between the surviving named beneficiaries— Campbell and Ricky. The state trial court sided with Austin.

After she appealed the state court's decision, Campbell filed this suit in federal court against Wisconsin's governor, Tony Evers, Associated Bank, and the individual defendants and attorneys (including her own) from the state-court lawsuit. She alleged that the state court's application of Wisconsin law to disburse the money to Austin violated the Contract Clause of the United States Constitution. In Campbell's view, her mother had formed a contract with Associated Bank by maintaining her accounts there. That contract, Campbell urged, obligated the bank to disburse funds in accordance with its own policy, which would have split Ketterer's portion of the money between Ricky and her. She insists that the Wisconsin statutes interfered with that contract. She also alleged that the lawyers and parties involved in the state-court litigation conspired with the state judge to deprive her of a jury trial—a conspiracy that violated her right to due process. Finally, she invoked supplemental jurisdiction to allege that Austin, his attorney, and Associated Bank were unjustly enriched by the state court's ruling.

The district court dismissed the complaint for failure to state a claim. First, it determined that there was no violation of the Contract Clause because the Wisconsin statutes—enacted in 1973 and 1997, see 1973 Wis. Act. 291; 1997 Wis. Act. 188— pre-dated the agreement Marion had with the bank, allegedly created in 2018. Further, it determined there was no violation of the Due Process Clause because Campbell had not alleged that the governor was involved in any of the conduct, and none of the other individuals or entities sued by Campbell were state actors. The court also explained that a claim for unjust enrichment required Campbell to show that she provided the defendants with a benefit; here, however, the benefit came from her mother, not her.

And because there were no allegations that Campbell could add to her complaint to fix the problems with her claim, the court dismissed the case with prejudice.

Campbell moved for reconsideration, arguing (as relevant to this appeal) that (1) the defendants qualify as state actors for purposes of her due process claim because they conspired with the state judge; (2) she should have been allowed to amend her complaint; and (3) the district judge should have recused himself because of his private interests in Associated Bank (his personal investments and his wife's prior employment there). The district court denied this motion. It concluded, first, that Campbell's allegations were not sufficient to infer a conspiracy. Next, it determined that granting leave to amend would be futile, given that Campbell had failed to state a plausible claim even after having the chance in her motion to clarify her allegations. Finally, the court saw no basis for recusal, since the judge sold his stock in the bank (and his wife had left her job with the bank) years before Campbell filed this suit. Campbell moved again to reconsider on the basis of judicial bias, and the court dismissed that motion in a short text order.

On appeal, Campbell challenges the dismissal of her due process claim. She maintains that she did state a due process claim by plausibly alleging a conspiracy between the state judge and the defendants. She points to her allegations that the defendants were parties or counsel to the state action, that they misrepresented facts and blocked discovery, and that the state judge ruled in their favor.

But Campbell, even after attempting several times to clarify her allegations, has not alleged anything that suggests joint action, concerted effort, or a general understanding between the defendants and the state judge. *See Fries v. Helsper*, 146 F.3d 452, 457–58 (7th Cir. 1998). And winning a lawsuit does not render a party a co-conspirator with a judge. *See Dennis v. Sparks*, 449 U.S. 24, 28 (1980). In the alternative, Campbell argues that she should be allowed to amend her complaint to cure any defect. But she has yet to offer any clarifications (in her motion to reconsider or even now on appeal) that would make her conspiracy claim plausible, so we agree that amendment would be futile. *See Adams v. City of Indianapolis*, 742 F.3d 720, 734 (7th Cir. 2014). Campbell also rehashes her argument that the district judge was biased. But she does not address the judge's assertion that he had no current financial interest in the case that would necessitate recusal. See 28 U.S.C. § 455(b)(4); *Hook v. McDade*, 89 F.3d 350, 356 (7th Cir. 1996). Campbell argues that the judge's dismissal of her complaint and

motions to reconsider are evidence of his bias, but adverse judicial rulings are almost never a valid basis for recusal. *Liteky v. United States*, 510 U.S. 540, 555 (1994). AFFIRMED

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