No. 26-5997 ORIGINAL

In The

SUPREME COURT OF THE UNITED STATES

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Kecia Porter-Petitioner

Vs.

Darren Hollis- Respondent

On Petition For Writ Of Certiorari

Illinois Appellant and Supreme Court

PETITION FOR WRIT OF CERTIORARI

Kecia Porter/Pro Se

6604 S Oakley ave

Chicago, IL 60636

312-618-6702

AX

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

KECIA PORTER — PETITIONER
(Your Name)

vs.

DARREN HOLLIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(No Ruling on Merits)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KECIA PORTER
(Your Name)

6604 S. Oakley ave
(Address)

Chi. IL 60636
(City, State, Zip Code)

312-618-6702
(Phone Number)

X

QUESTIONS PRESENTED

1. **Whether state court system tolerated *"unconstitutional barrier"* that inflicts** *constitutional injury* upon Petitioner by permitting the trial Judge's failure to perform a strict, Non-Discretionary, mandatory Ministerial duty to correct and certify the bystander report under Illinois Supreme Court Rule 323(c), violates the petitioner's fourteenth amendment due process, equal protection and a right to be heard.
2. **Whether Reviewing State Courts System violates the14th due process and** equal protection amendments along with Title II of Americans with Disabilities Act (ADA); allowing a trial judge to "arbitrarily and strategically" extinguished a pro se disabled litigants **guaranteed right to appeal;** Triggering *Foutch v. O'Bryant* doctrine and automatic dismissal of the case
3. **Whether the reviewing courts procedural presumption that an incomplete** trial record dictates compliance with the law; when the record presents a *prima facie* pure question of law, denies De Novo review; violating Petitioners 14th due process and equal protection rights.

LIST OF PARTIES

Petitioner is Kecia Porter/ Pro Se

Respondent is Darren Hollis,

Attorney Moor (Hollis)

RELATED CASES

1. Holmes v. United States, 383 F.2d 925 (D.C. Cir. 1967): administrative failures of the court or the court reporter will not be against appellant.
2. United States v. Chesapeake & O. Ry. Co., 281 F.2d 698 (4th Cir. 1960): maybe remand back, instructing the judge to settle and certify the record .
3. Bergerco, U.S.A. v. Shipping Corp. of India, Ltd., 896 F.2d 1210 (9th Cir. 1990): good-faith effort to reconstruct the record under Rule 10(c).

Constitutional and Statutory Provisions

14th Amendment: Procedural Due Process, the government to follow fair and established procedures before taking away life, liberty, or property.

Title II of Americans with Disabilities Act (ADA): prohibits discrimination against individuals with disabilities.

Color of law Section 242 of Title 18 : section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

Fifth Amendment Due Process : Fifth Amendment's Due Process Clause states that no person can be taken of life, liberty, or property without due process of law

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[X] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is Illinois Supreme Court

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the Illinois Appellant court appears at Appendix B to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished. (unsure)

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[X] For cases from **state courts**:

The date on which the highest state court decided my case was 5/27/2026
A copy of that decision appears at Appendix A.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[X] An extension of time to file the petition for a writ of certiorari was granted to and including July 31, 2026 (date) on July 31, 2026 (date) in Application No. 26A 149.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Statement of the Case

The Petitioner, Porter filed a case for breach of contract against, Respondent Hollis in the Circuit Court of Cook County in March/April 2023. Porter alleged Hollis asked Porter to type up his discrimination complaint which he planned to file in Rockford Illinois Federal Court then he asked her to help him drive there. Porter agreed as they had known one another for more than 20yr. June 2020 Hollis then asked Porter to help him to find an attorney, perform any administrative and computer work, organize paperwork or deadlines he may have to meet; they agreed, if he won his suit, he would pay her $17per/hour(C94) after all work was done she would tell him the total owed at the end of her assistance. Hollis asked Porter to continue to work for him after he retained an attorney in January 2021 and she agreed. Hollis paid Porter $3,000 after he settled his case but refused to pay Porter as agreed(C174). Hollis retained attorney Moor who was the same attorney who was on Hollis's discrimination case so he and Porter had already met(**A-F**). Moor filed a Motion to Dismiss alleging Porter had violated UPL(C43 unauthorized practice of law) and therefore she could not be paid for services provided Hollis. Attorney Moor knew Porter did not claim to be an attorney as he was one of Porters referrals for Hollis to review. Hollis presented his discrimination case as pro se, signed and appeared before Federal court, not Porter.(**A-F**) The trial judge denied Moor's motion to dismiss but, the judge showed bias towards Porter(C133). There was a two day trial. Moor presented no new evidence but, claimed all Porter's evidence

was proof of UPL. No evidence was before the court that is proof of UPL. Porter argued, printing off cases from the computer does not take legal skill but, it is her time she used for Hollis benefit(A-E). Porter presented proof, calculated totals for work performed and hours spent including the hourly pay of $17per hr.(C94) The trial judge ruled in favor of Hollis (C151) dismissing Porter's Breach claim, unjustly enriching Hollis who got the benefit of Porter's work. Porter filed a timely appeal and wrote a bystander report which she presented to the trial court to certify; after Moor refused to an agreed statement. The judge questioned Porter's "accuracy" of the report and suggested she had secretly typed it. Later, the judge insisted that Moor's input was how she remembered the proceedings. However, when I told Moor to write out his statement for the report, he refused. Porter timely filed a Writ of Mandamus in the Illinois(A-G) supreme Court which was denied. Porter Briefed her appeal in the Illinois Appellant Court, the Respondent did not file a brief. The court denied review citing "no certified report(**A-G**) and Foutch v. O'Bryant doctrine. But, they acknowledge that Porter had made several attempts to present a complete record on appeal and they did not know why it was not certified. Porter filed a Motion to Reconsider and a leave to appeal to Illinois Supreme Court all of which were denied. Now Porter files this Writ of Certiorari in the interest of public policy, in the name of justice and fairness.

REASONS FOR GRANTING THE PETITION

I. The state court system tolerated *"unconstitutional barrier"* that inflicts *constitutional injury* upon Petitioner accepting a trial Judge's failure to perform a strict, non-discretionary, duty to correct and certify the bystander report.

A. Pursuant to Illinois Supreme Court Rule 323(c) all trial judges are required to perform a strict, non-discretionary, mandatory, **not** optional duty to correct, and certify a bystander report for Appellant review when no verbatim transcript is available. Willful arbitrary refusal by the trial judge was accepted by Illinois reviewing courts. **(A-B,pg9¶**31*) In her brief… plaintiff states that she made multiple attempts to have the trial court certify her bystander's report, but the court refused to do so "with no clear bases."* Appellant Court order: **(A-B,pg11,**¶36) *We acknowledge that plaintiff made multiple unsuccessful attempts to have the trial court certify her proposed bystander's report.* And a Writ of mandamus**(A-G) (A-B,pg9,**¶31) *Porter v. Coleman Romeo, No. 131231 (Ill.)* ,**(A-Bpg9-10,¶31)** *The supreme court also denied plaintiff's motion to reconsider its ruling. Porter, No. 131231 (Ill. Jan. 9, 2025)* . The defense attorney refused to participate in drafting an agreed statement of facts. The reviewing courts acknowledged the judge did **not** perform her duty, specifically to correct and certify the record. The record is silent on why she did not fulfill her mandatory, duty.**(A-B.pg11**para,36) *The record does not indicate why a bystander's report was not certified.* Proof the judge's conduct was arbitrary. The Petitioner submitted the uncertified report. **(A-G)C165,187-88).**

Conflict with Federal Court: *FRAP 10(c) "If the trial court or court clerk fails to certify the statement on appeal it is treated as a defective or incomplete record, not against the litigant.* Federal **clerk or court error will not prejudice a party's substantive rights**, when a party has done everything required of them to perfect an appeal. **(A-B,pg10,**¶34) "*review... is hampered by an incomplete record.* The reviewing courts use the lack of bystander report to allow arbitrary ruling of the lower courts to stand. A violation of Petitioner's 14th amendment procedural due process, equal protection alone with ADA *Title II of Americans with Disabilities Act* and silences a litigant's right to be heard and a guaranteed right to appeal. Lack of a report triggered, "*Foutch v. O'Bryant* doctrine and automatic case dismissal.

B. ***Title 18, U.S.C., sect.242 Under the Color of Law:*** The trial judge dismissed the petitioner's *Breach of Contract* claim for payments for administrative and ministerial services. *Under **Illinois Supreme Court Rule 779**, the Court delegates the power to investigate and prosecute UPL to the Attorney Registration Disciplinary Commission (ARDC);*UPL cannot be satisfied by judicial discretion, a judge must have evidence of *representing parties in court, giving legal advice.* UPL is a strict liability violation of public policy. The trial judge colluded with defense counsel who erroneously claimed the Petitioner cannot recover fees for services due to *(UPL) which* was used to weaponized and awarded the bad-faith claims. **In conflict with federal court:** *The Seventh Circuit has long established that **a defendant cannot** use a technicality **to escape a contractual debt** if they already accepted the full benefit of the work.* **In conflict with federal court:** *FRAP 10(c) "If*

the trial court or court clerk fails to certify the statement on appeal it is treated as a defective or incomplete record, not against the litigant. Upon notification, the court can remand to correct the defect. ***Holmes v. United States, 383 F.2d 925 (D.C. Cir. 1967):*** *no fault of the appellant, ... will not be visited upon the appellant.* The Petitioner asked for review on the merits of this case as it presents a question of law. The trial judges' actions allow her to manipulate the appeals process, intentionally blocking the petitioner's ability to provide a complete record which strategically immunize the judge's own erroneous ruling from review on appeal. The reviewing courts dismissed the Petitioners Breach of Contract violating the Petitioner's 14th amendment due process and equal protection. **In conflict with Federal court**: *If no legal expertise was mandated by the contract, the Seventh Circuit treats the arrangement as a standard commercial transaction, making a breach of contract claim valid and enforceable.* **(A-B,pg10,**¶35) *Even if the court found plaintiff had engaged in the unauthorized practice of law,* ***we must presume*** *that finding was correct.* **In conflict, Illinois reviewing courts:** focus on the lack of the bystander report rather than *judicial fairness and review on the merits.* The reviewing courts approved of the trial judge's nonfeasance and dereliction of duty; punishing and prejudiced the Petitioner's "*good faith*" efforts. **In conflict with** federal case: ***Bergerco, U.S.A. v. Shipping Corp. of India****, Ltd., 896 F.2d 1210 (9th Cir. 1990):* *Held: protecting litigants who make a good-faith effort under FRAP 10(c):, to allow the report or order new trial.* **(A-B,pg10** ¶ 32) *We are,... unable to find something...caused plaintiff to suffer prejudice during proceedings...* The

Petitioner suffered real *constitutional injury that* impedes on the petitioner's right to recover quantifiable actual financial damages owed for work performed. Petitioner suffered real 14th amendment due process right causing deprivation of Property at courts dismissal of the Breach of Contract to destroy the legal right to enforce a valid contractual agreement ensuring *unjust enrichment windfall* from the benefits of ministerial services the defendant got for free. **In conflict with Federal court**: *windfall principles when balancing UPL defenses against standard contract breaches, the court seeks to prevent an inequitable "windfall" for defendant.* Although the defendant never claimed harm or neglect by Petitioner. The reviewing courts **judicial deference** or **presumption of correctness** gave the lower court approval to violated Petitioner's 14thAmendment due process and equal protection. Illinois reviewing courts abdicated its institutional role and condoned the trial judge's unlawful conduct and illegal conclusions under UPL. (**A-B,pg10,**¶32) *record that the trial court,... **found** that plaintiff engaged in the unauthorized practice of law.* The reviewing courts ignore their findings, against the weight on the record; in the absence of evidence and lack of evidentiary finding is a structural defect. The reviewing courts focus instead is on the lack of bystander report; allow arbitrary rulings of the lower courts to stand. This court should remand, in the interest of public policy. Illinois public policy against UPL takes precedence over the defendant's bad faith and unjust enrichment.

II. A trial judge "arbitrarily and strategically" extinguished a pro se disabled

Petitioners guaranteed right to appeal under Illinois Constitution: *Sec. 6 of the Illinois Constitution, Article VI and Illinois Supreme Court Rules 301–384, 705 ILCS 25/8.1; grantees litigants a right to appeal from a circuit court final judgment to the Illinois Appellate Court.* Reports that no matter their ability or inability to pay or afford legal representation. However, the Rule is silent on the fact that the grantee is not accessible to everyone should a transcript not be available, the litigants are subject to the trial courts ability to "block access to an Appellant Review". **In Conflict with federal** courts: "*U.S. Supreme Court has established that once a state sets up an appellate system, it cannot arbitrarily shut certain people out of it.*" *Foutch* creates an unconstitutional enforcement barrier to the reviewing state courts for poor litigants. When a judge refuses to perform their mandatory duty under ISCR 323(c) to certify the report. Litigants are denied a chance to be heard after their cases are automatically dismissed. Under **ISCR 323(c)** a trial judge ignored her duty and proceeded with her plan in collision with the defendant to "*arbitrarily and strategically*" extinguished this pro se litigants guaranteed right to appeal under Illinois Constitution. **This was no mistake it was intentional.** **(A-B,pg11,**¶37). Nor *do we know the ...basis for the court's... judgment in favor of defendant.* The Illinois Appellant Court ruled: *"The record submitted to this court is insufficient...*Triggering *,"Foutch, 99 Ill. 2d." Foutch v. O'Bryant doctrine* and automatic dismissal; Illinois State Courts System violates the14th due process and equal protection and is in **direct conflict with Federal Court in the 7th Circuit** : *The Seventh Circuit has firmly held that a party* ***cannot*** *be deprived of their*

statutory right to an appeal because of a failure or omission by a court official; such as a judge ... ***United States v. Chesapeake & O. Ry. Co., 281 F.2d 698*** *(4th Cir. 1960): trial judge failed to settle and certify* In Illinois reviewing Courts, the Petitioner's Illinois constitutional right to appeal was denied for *lack of having a certified bystanders* on appeal because of the *failure of the trial judge* to perform her duty to correct and certify the report. The **7th Circuit** *Court does* ***not*** *penalize a litigant who is* ***not*** *able to obtain a bystander report due to the failure of a "court official," including a trial judge.* The U.S. Supreme Court has established that, "*once a state sets up an appellate system, it cannot arbitrarily shut certain people out of it."* This Petitioner believes that Illinois reviewing courts weaponized "*Foutch v. O'Bryant*" against litigants without a bystander report leading to automatic dismissal of their appeal; rather than holding court officials accountable. **In conflict the 7th Circuit Court**: *the court exercises its power by remained back to the trial judge to cooperate*. Thereby insulting a litigant's 14th amendment due process and equal rights.

III. The U S Supreme Court has ruled that a court transcript is not a strict jurisdictional requirement to file a petition State reviewing courts conflict.

Federal Courts have ruled that a case can be reviewed without a transcript if; there is a *premia facia pure question of law on the record* in the courts written orders, pleadings or statutes. **FRCP Rule 12(b)(6) Holding**: "*A transcript is not a strict jurisdictional requirement to appellant review when prima facia pure question of law or* statutory interpretation dispute *on the face of the record.;*

lack of a transcript is generally not fatal." **In conflict with federal court**, reviewing state courts turn to ***Foutch v. O'Bryant doctrine*** *"Treats a missing transcript/ agreed statement or bystander report as a "strict jurisdictional bar"* The Illinois Appellant Court verified Petitioners' efforts **(A-B,pg11¶ 36)** "...*plaintiff made multiple unsuccessful attempts to have the trial court certify her proposed bystander's report.*" **(A-B,pg11,**¶36) *This court cannot speculate as to why the trial court did not certify plaintiff's proposed report.* The reviewing court's refusal to review on the merits is deprivation of property violates Petiioners14 amendment procedural due process and equal protection..**(A-B,pg10,**¶32) "*The record... consists of...common law documents,...* **Conflict with 7th** Circuit: in ***conflict with Federal Rule of Appellate Procedure 10(c)*** in ***Griffin v. Illinois*, 351 U.S. 12 (1956) Held:** "D*ismissing the appeal solely for lack of a transcript violates federal standards".* The denial of the Petitioner's review on the merits, allows a trial judge to "*arbitrarily and strategically*" extinguished a pro se disabled litigant's rights under the Illinois Constitution. **Foutch v. O'Bryant doctrine** presumes lack of transcript means the trial judge acted lawfully; Foutch has created a trap for litigant's and shields a trial judge. In contrast, **7th Circuit Court, Federal Rule of Appellate Procedure 10(c) and 10(e)**, *if there is a dispute or omission regarding the record, the appellate court has the explicit authority to remand the case back to the district court to settle the record, rather than throwing the case out* . **Seventh Circuit FRAP 12.1** states. *"if a party files a motion in the district court to correct or clarify a record... the*

appellate court can remand the case to certify as ordered". This common-sense approached does not discriminate. Illinois reviewing courts, unfairly punished no-fault Petitioner is against public policy and fundamental fairness.

A. The presumption by the Illinois reviewing courts that an incomplete trial record dictates the trial courts complied with the law: Foutch doctrine assumes that if no transcript is in the record there can be no meaningful review. The reviewing state court's **judicial deference** or the **presumption of correctness** affords the lower courts approval to violate Petitioner's 14th procedural due process, equal protection rights and a right to be heard; unfairly insulating the officers of the court. **Federal and State conflict:** The Supreme Court has repeatedly **Held:** *"statutory or "judicial presumptions" violate due process if they are arbitrary and deny litigants a chance to be heard."* The record presents a *prima facie* pure question of law or statutory interpretation in *The Illinois Attorney Act (Act) (705 ILCS 205/1* (UPL) unauthorized practice of law. A pure question of law, of criminal implications. (**A-B**,pg4,¶11) "*Plaintiff maintained that she provided defendant with nothing more than "high quality assistance."* (**A-B,pg4**, ¶12) "...*defendant's conduct in giving her a partial payment of $3000 was proof they had an agreement".* **State and Federal Conflict:** 7th Circuit: FRAP 10(c), a governing federal mandate. Place a mandatory duty on the district court judge to review and settle the record. Federal Rules *demand an absolute obligation is on the trial court.* The judge *does not* have the discretion to simply *ignore or refuse* to rule on a submitted statement. Under federal jurisprudence,

the appellate courts will **not** penalize a litigant for *omissions or delays caused solely by the district court's failure to perform its mandatory administrative duties.* Illinois Supreme and Appellant Court dismissal is in direct **conflict with the 7th Circuit: ISCR323(c):** *The lower court judge, **shall** promptly settle, certify the report. When a trial judge has failed or refused to certify a report, the Illinois Appellate and Supreme Courts will **not** intervene* and without a certified report the appeal will be dismissed, a litigant is fatally and legally bound by the *Foutch v. O'Bryant* doctrine. Against public policy and a in violation of the freedoms associated with structural due process and equal protection. The trial judge's refusal to perform mandatory, duty this created a ***"unconstitutional barrier,"*** and blocked a complete record. ***Griffin v. Illinois*, 351 U.S. 12 (1956) Held:** D*ismissing the appeal solely for lack of a transcript violates federal standards".*

(A-B,pg11, *¶ 35) Nor do we know the ...basis for the court's... judgment in favor of defendant.* ; inflicting *constitutional injury and prejudice on* the Petitioner because of a failure or omission by a court official.

Conclusion: The Petitioner asks this court to grant Writ of Certiorari for public policy and fairness and to address unconstitutional barriers created by the trial judge to extinguish a meaningful review, arbitrarily insulating her refusal to certify a report under Illinois Rule 323(C) Reviewing Courts approved the inequitably binding of the Petitioner's fate to *Foutch v. O'Bryant* doctrine (*presumes the trial judge's order is correct if the record is incomplete*) forcing a procedurally defective dismissal of appellant review.

K. Porter