IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Gordon Wayne Watts

Lead Plaintiff,

vs. **Case No: 8:19-cv-829-T-36CPT**

CIRCUIT COURT OF COOK COUNTY, ILLINOIS, et al.,,
Defendants.

_____/

Rule 59 motion to alter/amend judgment
concurrent with Rule 60 motion for Relief from a Judgment or Order

This matter comes to be heard on the motion of plaintiff for alteration and amendment of the 05/22/2019 judgment of this court (Doc.14), pursuant to Fed.R.Civ.P. 59(e), and it is timely because it is filed within the 28-day period, the day of the act not being counted. Furthermore, plaintiff moves for relief from judgment pursuant to Fed.R.Civ.P. 60(b)(2) (newly discovered evidence) and (6) (any other reason that justifies relief), which would be the need for more time to rebut and challenge the order in question. (Read: Concurrent motion to extend time to reply.) Pursuant to Rule 60(c)(2) (Effect on Finality) the "rule 60" portion of this motion does not affect the judgment's finality or suspend its operation, which is why I am filing for amendment of judgment concurrently.

I wish to contest the order dated 05/22/2019, which ordered a change of venue, but need a little more time to make a coherent rebuttal: Our family, who has been living in a house without AC (the air conditioner was stolen), and is poor (I could not afford a lawyer, and the court declined to appoint one), aspire to take judges to court more violation of civil rights law (not an easy task due to their vast resources), and thus need more time to file a

coherent Rule 59 motion, due to these (and other) things which slowed me down. Therefore, I ask for a Rule 60 relief from the judgment (if that's applicable) and a Rule 59 amendment, temporarily withdrawing the order of the court, and granting on the order of an additional 28 – 45 days additional time to "show cause" regarding why the 5/22/2019 order should not be reissued.

To show this court that good cause exists to believe such a matter not a waste of the court's time, I would like to remind this court that I raised the issue of venue bias (page 21 of 25, Doc.12, my reply to the show cause order). This would normally be disrespectful on my part to suggest that the Federal District Court judge (in the Northern District of Illinois, Eastern Division which encompasses Cook County, Illinois) had bias. However, there is case-law precedent for alleging venue bias on the Federal level:

> "In considering the relevant factors, the Court finds that, since the plaintiff, the defendant and presumably the witnesses, all reside in Caddo Parish, the factors of availability and convenience of witnesses, availability and convenience of the parties, and place of alleged wrong militate in favor of the requested transfer. **On the other hand, the factors of possibility of delay <u>or prejudice</u> if transfer is granted, the location of counsel,8 and plaintiff's choice of forum seem to dictate that the requested transfer be denied.9** Since the relevant factors appear to be evenly divided between the two alternatives, the Court finds that defendant has failed to carry its burden of establishing that justice weighs substantially in favor of the requested transfer of venue. Therefore, transfer of this litigation is not warranted and plaintiff's choice of forum will be honored. ***In re Horseshoe Entertainment,* 305 F.3d 354, at 358 (5th Cir.2002, Decided: July 01, 2003, quoting the district court's opinion, emphasis added in boldface and underline for clarity, not in original)**

When the appeals court referenced "prejudice," it was just another way of saying "venue bias," which brings me up to my next point. I acknowledged that I forgot to

include one illegal order in my original complaint, but it is not included here (see Exhibit-R, the May 03, 2018, entered by state court justice Daniel J. Pierce).

With all due respect to Justice Pierce, he claims that: "This court has no jurisdiction to order the Cir. Ct. to allow Watts leave to intervene, grant a fee waiver, or to prepare the record on appeal & transmit to App. Ct. in this matter (1-18-0572). Motion denied." Oh, really? It doesn't take a rocket scientist to see that [[A]] Illinois caselaw **does** grant jurisdiction for intervention, [[B]] **does** allow appeals of all matter, such as fee waiver decisions, and [[C]] **does** grant jurisdiction (based on the now-infamous "Rule 321" authority, remember?).

Now, the judge told a bald-faced lie (three times in a row), but that's not illegal, in and of itself. However, the documented case-law that shows that judge can, indeed, be held accountable for 42 USC 1983 violations does, indeed make certain "judicial acts" illegal. Which beings me up to the last point. Referring to Exhibit-S, the order by ILLINOIS Federal Judge Robert M. Dow (Northern District of Illinois, Eastern Division) in case number 19-cv-3473 (the case which was generated when this court issued its 05/22/2019 transfer order), the judge makes the outrageous legal claim that judges can never be sued for any act done in an official capacity. (If this court agrees with Judge Dow, perhaps it would like to explain that to the long line of state court judges who are often sued – and sometimes lose – in Federal court.)

Now, this judge may have made a "human error" (judges are human after all), not unlike the error this court made when it gave a legal assessment of ***Rooker-***

Feldman jurisdiction (probable due to a combination of limited staff research resources, and the easy ability to use "cookie cutter" form letter in issuing order. This court displayed integrity, honour, and honestly when it admitted that it had overlooked something, in its reply to my response to the original "show cause" order. Perhaps Judge Dow and his staff made the same type of error.

Therefore, it would be premature outright withdraw the venue order today, since the Illinois court may "do the right thing" (and be on the "right" side of history), thus making moot this instant motion, here. However, for the same reasons, it would also be premature to outright issue a "no" ruling. Judge Dow's order constitutes "newly discovered evidence" (whether or not I chose a jury trial) because no one could have foreseen it with surety.

Now, in the same manner that Judge Dow's previous order (Exhibit-S) was "newly discovered evidence," likewise, his subsequent orders will also be "newly discovered evidence," and thus it would be unwise for this court to rule at all on this motion until we have further sufficient information. Venue bias is real, and it is wrong. (And illegal.) For that reason, I feel that I have grounds to move this court, with arguments strong enough that (may God forbid) should the 11th Circuit see it, and give me a level playing field, I will win the day on appeal.

So many times, we have made fun of "bad" court decisions (like the infamous ***Dred Scot*** decision, which declared our African American friend to be mere slaves, and by a 7-2 majority, no less). So many times, we brag that we would have handled

it differently. Well, those "so many times" are today: This court must ask itself whether it would have (if given an opportunity) transferred venue from the U.S. Supreme Court to the "backup" court that is said to be in place. (While I am not an expert in this area of law, I am told that should the U.S. Supreme Court have sufficient conflict of interests, a "backup" court may step in, and be filled with appeals judges from inferiors federal courts.) While the Illinois Federal Courts may not like an adverse decision, no adverse harm would result should this court snatch venue back: Indeed, while the 11th Circuit (and many others, as well) have the very high "abuse of discretion" standard for appealing "venue" rulings, nonetheless, it is not impossible, meaning it is possible. And, if possible, then certainty not harmful.

Conclusion: While the undersigned plaintiff knew "in his heart" that venue bias existed (possibly, even if not certainly, also in the federal courts of Illinois, where corruption is legendary), no one would fault (or criticize) this court for making the wrong decision in its 05/22/2019 order. But "hindsight is 20-20," and "knowing then what we know now" would make things easier. Let me remind this court that venue bias **– alone –** is sufficient to change venue (see the 5th Circuit ruling above, which, while not binding, is nonetheless persuasive, and thus permissible). Why is this true? Well, no matter how smart the judges in that district are on local case law, one dishonest ruling by one biased judge (who may or may not be dishonest: Sometimes pressured and fearful are sufficient to force a 'bad' or 'illegal' ruling) guarantees that due process is denied.

Request of The Court: Therefore, plaintiff requests that this court stay its 05/22/2019 order sufficient for the lower federal courts in Illinois to play out, and then we "cross the bridge when we come to it." This court may deny my motion (which might result in an appeal, in ideal circumstances, or become moot if the Illinois courts act contrary to Federal Case law in re 1983 rights), or might grant my motion (which would be premature now), or may "pend" (e.g., extend time) which would probably be the jurisprudential thing to do). Respectfully submitted, /s/ Mr. Gordon Wayne Watts

Date: Wednesday, this 19th day of June, 2019
(Day of Week)

Certificate of Service

I, GordonWayne Watts, hereby certify that I have filed a copy of this motion ("**Rule 59 motion to alter/amend judgment concurrent with Rule 60 motion for Relief from a Judgment or Order**") with the clerk of the Circuit Court, Middle District of Florida, Tampa Division, this 19th day of June, 2019, but on no one else, as Judge Dow's order of 5/31/2019 found me *In Forma Pauperis.*

Date: Wednesday (Day of Week), the 19th day of Jun, 2019

Respectfully submitted,

Mr. Gordon Wayne Watts
(Signature of Counsel)

Typed Name of Counsel: Gordon Wayne Watts, non-lawyer, proceeding ***pro se***

Florida Bar Identification Number (if admitted to practice in Florida): – N/A
Firm or Business Name: ***The Register*** (non-profit, online blog: links below)
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EXHIBIT - "R"

NO. 1-18-0572

IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

GMAC Mortgage, LLC. Plaintiff	) Appeal from the Circuit Court of Cook County, IL)
vs.	) No. 07CR29738) (Transfer into Law Division from Chancery)
Gordon W. Watts, et. al., Defendants	)) Hon. James P. Flannery, Jr., Judge Presiding

ORDER

This matter coming on to be heard on the motion of Movant, Gordon Wayne Watts, for Summary Judgment, and, notice having been given, and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that ~~the Circuit Court of Cook County shall vacate its order in *GMAC Mortgage, LLC v. Watts*, case No. 2007-CH-29738 (03/01/2018), denying Gordon Wayne Watts leave to intervene. The circuit court is instructed to grant Mr. Watts a Fee Waiver, and prepare the selected Record on Appeal items listed in Watts' draft order in his 03/16/2018 Motion for Extension of Time to file Record on Appeal in case no. 1-18-0091 and transmit the record to this court by electronic means.~~ The Court has no jurisdiction to order the Cir. Ct. to allow Watts leave to intervene, grant a fee waiver or to prepare the record on appeal & transmit to App. Ct. in this matter (1-18-0572)
~~The trial court shall speedily prepare the selected record, so notify this court, and transmit it to this court by electronic means, on accelerated docket.~~
Motion Denied.

IT IS SO ORDERED.

ORDER ENTERED

MAY 03 2018

APPELLATE COURT, FIRST DISTRICT

Justice David J Bercic

Justice

Justice

Prepared by:
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EXHIBIT "S" (page 1)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GORDON WAYNE WATTS, Individually and on behalf of similarly situated persons,	)	
Plaintiffs,	)	Case No. 19-cv-3473
v.	)	Judge Robert M. Dow, Jr.
CIRCUIT COURT OF COOK COUNTY; HON. JAMES P. FLANNERY, JR.; HON. DIANE M. SHELLEY; HON. MICHAEL F. OTTO; APPELLATE COURT OF ILLINOIS, FIRST DISTRICT; HON. DANIEL J. PIERCE; HON. MARY L. MIKVA; HON. JOHN C. GRIFFIN; HON. MARY ANNE MASON; HON. MICHAEL B. HYMAN; and HON. CARL ANTHONY WALKER,	)	
Defendants.	)	

ORDER

Plaintiff's financial affidavit indicates that his income and resources are below the federal poverty line as set out in the Guidelines promulgated by the U.S. Department of Health and Human Services. Therefore, his motion for leave to proceed *in forma pauperis* [2] is granted. Plaintiff's motion for leave to file an oversized document [4] also is granted. However, as explained below, Plaintiff's complaint is dismissed with prejudice as (1) all of the named individual Defendants have absolute judicial immunity from suits complaining about their judicial actions, and (2) the Illinois Circuit and Appellate Courts are not suable entities. And given that disposition on the merits, Plaintiff's motion for preliminary injunction [3], Plaintiff's motion to appoint counsel [5], and Plaintiff's motion for leave to file via CM/ECF [6] are all denied as moot. A final judgment will be entered and this case will be closed. Civil case terminated.

STATEMENT

Plaintiff Gordon Wayne Watts originally brought this action in the United States District Court for the Middle District of Florida. The case was transferred to this Court on May 23, 2019. Plaintiff purports to represent a class of similarly situated individuals and has named as Defendants three Cook County Circuit Judges and six Justices of the Illinois Appellate Court. According to the caption, each Defendant is sued in both his or her individual and official capacities. The forty-page complaint alleges that the judges violated the Constitution and federal civil rights laws through various rulings relating to a property dispute involving a friend of Plaintiff's named

Exhibit - "S" (page 2)

Richard Daniggelis (who is listed as a "class plaintiff"). Each of the challenged actions by the Defendants relates to judicial rulings as to which Plaintiff vigorously disagrees.

Plaintiff's complaint suffers from two major defects, one of which is fatal to the entire action. As an initial matter, it is well settled that "one pro se litigant cannot represent another." *Nocula v. UGS Corp.*, 520 F.3d 719, 725 (7th Cir. 2008). Accordingly, at a minimum Plaintiff's class allegations would need to be dismissed. In addition, to the extent that Plaintiff seeks to advance claims on behalf of Mr. Daniggelis (or any other individual other than himself), Plaintiff may not do so. Beyond that, however, there is a more fundamental flaw in the complaint. Each and every individual named Defendant is a judicial officer and the acts complained of involve judicial actions—either rulings made or not made in connection with the disposition of cases. "A judge has absolute immunity for any judicial actions unless the judge acted in the absence of all jurisdiction." *Polzin v. Gage*, 636 F.3d 834, 838 (7th Cir. 2011); see also *Pierson v. Ray*, 386 U.S. 547, 554 (1967) ("immunity applies even when the judge is accused of acting maliciously and corruptly"). The complaint does not allege lack of jurisdiction in the state courts. It is therefore evident from the face of the complaint that all of the individual Defendants possesses absolute immunity from suit for the acts detailed in the complaint. Plaintiff's claims against the individual judge Defendants must be dismissed with prejudice. See *Koorsen v. Dolehanty*, 401 F. App'x 119, 120 (7th Cir. Oct. 29, 2010) (a dismissal on the grounds of absolute judicial immunity "is a decision on the merits and should have been with prejudice"). Finally, both the Circuit Court and the Appellate Court must be dismissed as Defendants, as they are not suable entities; rather, they are instrumentalities of the State of Illinois immune from suit under the Eleventh Amendment—and not suable in any event as "persons" within the meaning of 42 U.S.C. § 1983. See, *e.g.*, *Jackson v. Bloomfield Police Dep't*, 2018 WL 5297819, at *2 (E.D. Wis. Oct. 25, 2018), *aff'd*, 764 Fed. Appx. 557 (7th Cir. Apr. 23, 2019); *Dyer-Webster v. Dent*, 2015 WL 6526876, at *3 n.2 (N.D. Ill. Oct. 28, 2015).

Dated: May 31, 2019

Robert M. Dow, Jr.
United States District Judge