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/_____

Date:_____, this _____ day of _____, 2019 **Mr. Gordon Wayne Watts**
(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 _____ day of _____, 2019, but on no one else, as Judge Dow's order of 5/31/2019 found me *In Forma Pauperis.*

Date: _____(Day of Week) , the _____ day of _____, 2019

Respectfully submitted,

_____
(Signature of Counsel)

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

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