

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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United States Courthouse
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ORDER

February 5, 2025

Before

FRANK H. EASTERBROOK, *Circuit Judge*
MICHAEL Y. SCUDDER, *Circuit Judge*
AMY J. ST. EVE, *Circuit Judge*

No. 25-1118	U.S. BANK NATIONAL ASSOCIATION, as Trustee Under Pooling and Servicing Agreement dated as of December 1, 2006 Mastr Asset-Backed Securities Trust 2006-NC3 Mortgage Pass- Through Certificates, Series 2006-NC3, Plaintiff - Appellee v. MONZELLA Y. JOHNSON, Defendant - Appellant
Originating Case Information:	
District Court No: 1:24-cv-12195 Northern District of Illinois, Eastern Division District Judge April M. Perry	

The following are before the court:

1. MOTION FOR SUMMARY JUDGMENT PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE W/ AFFIDAVIT, filed on January 28, 2025, by the pro se appellant.

2. EMERGENCY MOTION FOR DEFAULT AND ENFORCEMENT OF JANUARY 10, 2025 EMERGENCY MOTION FOR STAY OF EXECUTION, filed on February 3, 2025, by the pro se appellant.

This court has carefully reviewed the orders of the district court, the record on appeal, appellant's motion for summary judgment, and appellant's motion for emergency relief. Based on this review, the court has determined that any issues which could be raised are insubstantial and that further briefing would not be helpful to the court's consideration of the issues. *See Taylor v. City of New Albany*, 979 F.2d 87 (7th Cir. 1992); *Mather v. Village of Mundelein*, 869 F.2d 356, 357 (7th Cir. 1989) (court can decide case on motions papers and record where briefing would not assist the court and no member of the panel desires briefing or argument). "Summary disposition is appropriate 'when the position of one party is so clearly correct as a matter of law that no substantial question regarding the outcome of the appeal exists.'" *Williams v. Chrans*, 42 F.3d 1137, 1139 (7th Cir. 1995) (citing *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994)). Here, appellant seeks to appeal the district court's order remanding this case to state court for lack of federal jurisdiction and because of a defect of removal—the notice of removal was untimely. 28 U.S.C. § 1447(c). Because this case was not removed under § 1442 or § 1443, there is no basis to seek appellate review of this determination. *See* 28 U.S.C. § 1447(d); *e.g.*, *The Northern League, Inc. v. Gidney*, 558 F.3d 614, 614 (7th Cir. 2009); *Phoenix Container, L.P. v. Sokoloff*, 235 F.3d 352, 354–55 (7th Cir. 2000). Accordingly,

IT IS ORDERED that these motions are **DENIED**, and this appeal is summarily **DISMISSED** as frivolous.

IT IS FURTHER ORDERED that the appellant is sanctioned \$5000 for filing a frivolous appeal. Within fourteen days of the date of this order, the appellant must tender a check payable to the clerk of this court for the full amount of the sanction. Appellant is warned that enhanced sanctions and renewed filing bars—including potentially a complete loss of filing privileges—will accompany any continued frivolous efforts to litigate this same mortgage foreclosure matter in federal court.

IT IS FINALLY ORDERED that the clerks of all federal courts in this circuit shall return unfiled any papers submitted either directly or indirectly by or on behalf of Monzella Johnson unless and until the sanction is paid in full. *See In re City of Chicago*, 500 F.3d 582, 585-86 (7th Cir. 2007); *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995). In accordance with our decision in *Mack*, exceptions to this filing bar are made for criminal cases and for applications for writs of habeas corpus. *See Mack*, 45 F.3d at 186-87. This order will be lifted immediately once Johnson makes full payment. *See In re City of Chicago*, 500 F.3d at 585-86. If Johnson, despite her best efforts, is unable to pay the sanction in full, she is authorized to submit to this court a motion to modify or rescind this order no earlier than two years from the date of this order. *See id.*; *Mack*, 45 F.3d at 186.