
In the
United States Court of Appeals
for the Seventh Circuit

ALAN BRAID, MD

Appellee

v.

FELIPE NERY GOMEZ

Appellant

21cv5283

On Appeal from the United States District Court

for the Northern District of Illinois, Eastern Division, No. 21cv5283

The Honorable Jorge Alonso, Judge Presiding.

**APPELLANT’S MOTION FOR ORDER TO FIND FOR DEFENDANTS,
DISSOLVE TRO [117], TO HEAR PREVAILING DEFENDANTS’ POST
JUDGEMENT MOTIONS, AND TO THEREAFTER DISMISS *BRAID v
STILLEY et al.*, 21cv5283, PER SCOTUS DECISION IN *DOBBS* ON *ROE v
WADE* BARRING FEDERAL JURISDICTION OVER STATE ABORTION
MATTERS**

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6.28.22

22-2025

APPELLANT'S MOTION FOR JUDICIAL NOTICE, ORDER TO TRIAL COURT TO DISSOLVE [117], FIND FOR DEFENDANTS, RESOLVE POST JUDGEMENT MOTIONS BY DEFENDANTS, AND DISMISS CASE BELOW

Defendant-Appellant Felipe N. Gomez ("Gomez"), pro se seeks that the Appellate Court take Judicial Notice of the 6.24.22 Opinion attached as Attachment A to Exhibit 1 hereto, and ORDER the Trial Court to 1) find for Defendants, 2) dissolve the TRO [117], 3) resolve prevailing Defendants' post-trial motions and 4) order that the case below be dismissed with prejudice, in compliance with the 6.24.22 decision by the U.S. Supreme Court in *Dobbs v. Jackson's Women's Health*.

Gomez requested the Plaintiff voluntarily agree to cease prosecuting 21cv5283, whom has failed to respond, and has moved the District Court to dismiss, but again there is no action on Gomez's motion, as has been the pattern as shown by the docket below, already forwarded to the Court here.

Gomez's request is supported by the fact that the current complaint below (See Docket at [1]) was predicated on *Roe v Wade* being law, and *Roe* is no more. See *Exhibit 1 at Attachment A*. Gomez request is also supported by the fact that the same movers behind 21cv5283, The Center for Reproductive Rights, itself moved to stay the TRO in *Planned Parenthood v Wilson*, 21cv0508 (S.C. Dist. Ct.). *Exh. 1 at Att. 2*.

Braid cannot claim prejudice, as he violated his own TRO by filing an answer in *Gomez v Braid*, 22CI8302, *Bexar County, Tx.*, putting Gomez and Braid at issue there, despite having just obtained a TRO [117] barring Gomez from proceeding there. As with Plaintiff's motion to withdraw in S. Carolina, Braid's election to proceed in the state matter effectively moots or renders [117] ineffective, as the overall intent has to be inferred to freeze 22CI8302, not just tie Gomez's hands

there while Braid proceeds while Gomez cannot.

Gomez has reached out to Braid and his Counsel related to this Motion, but has not had any response.

RELIEF REQUESTED

WHEREFORE, The Law of the Land barring the complaint below and barring any TRO as to State Abortion matters, and because Braid basically himself violated [117] below, forcing Gomez to proceed or risk DWP in Texas, and arguably violate [117] thereby, Appellant moves for the Appellate Court to order the trial court to: 1) find for Defendants; 2) dissolve the TRO [117]; 3) resolve prevailing Defendants' post-trial motions; and 4) order that the case below be dismissed with prejudice thereafter, in compliance with the 6.24.22 decision by the U.S. Supreme Court in *Dobbs v. Jackson's Women's Health*.

Respectfully submitted on 6.28.22

Sworn By: *s/ Felipe Nery Gomez*

Felipe Nery Gomez, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on 6.28.22, an electronic copy of the foregoing Motion for Stay was filed with the Clerk of Court for the United States Court of Appeals for the Seventh Circuit using the appellate CM/ECF system, and service will be accomplished on all parties by the appellate CM/ECF system.

Respectfully submitted on 6.28.22

s/ Felipe Nery Gomez

Felipe Gomez, Pro Se

EXHIBIT 1

AFFIDAVIT IN SUPPORT

No. 22-2025

EXHIBIT 1

In the
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ALAN BRAID, MD
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v.

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Appellant

21cv5283

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The Honorable Jorge Alonso, Judge Presiding.

**APPELLANT'S AFFIDAVIT IN FOUNDATION AND SUPPORT OF
APPELLANT'S MOTION FOR ORDER TO DISSOLVE TRO [117] AND
TO FIND FOR DEFENDANTS AND DISMISS BRAID v STILLEY et al.,
PER SCOTUS DECISION IN *DOBBS* ON *ROE* v *WADE* BARRING
FEDERAL JURISDICTION OVER STATE ABORTION MATTERS**

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6.28.22

22-2025**APPELLANT'S AFFIDAVIT IN FOUNDATION AND SUPPORT**

Appellant Affiant, Felipe N. Gomez, Pro Se, under oath pursuant to 28 USC 1746 deposes and states as if sworn by the Court under penalty of perjury, attaching true and accurate copies of exhibits that were personally pulled from the internet by Affiant, in support of this Motion to Dissolve TRO [117], Find for Defendants, and Order Dismissal (pending Defendants' Motions for Sanctions, Fees, Costs) for lack of federal jurisdiction over the Complaint:

1. I am over the age of 18 and have personal knowledge of the facts set forth in this affidavit, and personally downloaded, gathered and attached the publicly available documents, appended hereto.
2. Gomez attaches hereto in support and as to why the USCA7 must order stay or dissolution of the TRO [117] and cessation of all litigation (other than motions for sanctions and fees and costs by prevailing Defendants) below:
 - A. 6.24.22 Supreme Court decision in *Dobbs v Whole Women's Health*, No. 19-1392, finding that there is no federal jurisdiction over state abortion disputes or laws (*Att. A*).
 - B. 6.27.22 Order in *Planned Parenthood v Wilson*, 21cv0508 (*U.S. Dist. Ct. S. Carolina*) staying TRO as to S. Carolina's "Heartbeat Act", where Center for Reproductive Rights is listed as Counsel as in 21cv5283, and where Counsel there ethically moved to stay the TRO (*Att. B*)

28 USC 1746 VERIFICATION

I declare under penalty of perjury under the laws of the USA that the statements of fact in the foregoing Affidavit and Motion are hereby sworn to, unless stated on information and belief or otherwise, and any such condition is made in good faith based on the knowledge at hand.

FURTHER AFFIANT SAYETH NAUGHT.

Dated: 6.28.22

Sworn and Tendered By: *s/ Felipe N Gomez, Pro Se*

Felipe N Gomez, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on 6.28.22, the foregoing Motion and Affidavit in Support was filed with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the appellate CM/ECF system, and any participants in the case that are registered CM/ECF users will be served by the appellate CM/ECF system.

Date: 6.28.22

By: */s/ Felipe N. Gomez, Pro Se*

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22-2025

ATTACHMENT A

Dobbs v WWH Opinion