
IN THE
Supreme Court of the United States

LEFLORIS LYON,
Petitioner,

v.

CANADIAN NATIONAL RAILWAY COMPANY, ILLINOIS
CENTRAL RAILROAD COMPANY, WISE CARTER CHILD &
CARAWAY, P.A., AND CHARLES H. RUSSELL, III.
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE SEVENTH CIRCUIT

**APPENDIX VOLUME I TO THE
PETITION FOR A WRIT OF CERTIORARI**

LEFLORIS LYON (*PRO SE*)
P.O. BOX 87245
CHICAGO, IL 60680
PHONE - (601) 259-0033
EMAIL: LEFLORISLYON@GMAIL.COM

TABLE OF CONTENTS

APPENDIX	PAGE
APPENDIX A: Order, summarily affirming August 11, 2017, district court order denying two motions for recusal and motion for relief pursuant to Fed. R. Civ. P. 60(b), (Seventh Circuit, October 11, 2017)	1a
APPENDIX B: Order, denying amending notice of appeal Nos. 17-2684, 17-2675, 17-2279, denying access to district record on flash drive, denying motion to reconsider September 8, 2017, order, denying judicial notice, (Seventh Circuit, October 11, 2017)	4a
APPENDIX C: Order, vacating order consolidating appeals, denying motion to file electronically, granting non-party motion to seal record, (Seventh Circuit, September 8, 2017)	7a
APPENDIX D: Order, denying petition for rehearing, (Seventh Circuit, November 8, 2017)	10a
APPENDIX E: Final Rule 54(b) Judgment (Nos. 10-cv-185, 13-cv-913), (S.D. Miss., May 21, 2013)	11a

APPENDIX F: Order, sealing case, releasing copy of sealed complaint **FILED UNDER SEAL**
(District Court, August 15, 2014) 12a-16a

APPENDIX G: Order, Lyon in contempt, *Wise Carter, et al., v. Lyon*, Nos. 13cv913, 10cv185
(S.D. Miss, August 21, 2014) 17a

APPENDIX H: Order, maintaining case under seal, dismissal under 28 U.S.C. § 1915, denying emergency motion for a criminal referral and related relief, **FILED UNDER SEAL**
(District Court, September 4, 2014) 23a-26a

APPENDIX I: Order, maintaining case under seal, denying IPF on appeal, **FILED UNDER SEAL**
(District Court, September 16, 2014) 27a-30a

APPENDIX J: Court Order, Order denying motion to disqualify, transferring case, R 78, No: 1:16-cv-06833 Northern District of Illinois
(District Court, June 19, 2017) 31a

APPENDIX K: Order, Judge Graves, denying petition for writ of mandamus,
(Fifth Circuit, February 8, 2012) 35a

1-a

APPENDIX A
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
No. 17-2684

LEFLORIS LYON, Plaintiff - Appellant

v.

CANADIAN NATIONAL RAILWAY CO., et al.,
Defendants – Appellees

District Court No: 1:14-cv-03421

Northern District of Illinois, Eastern Division

Appeal from the United States District Court
for the Northern District of Illinois

ORDER

Submitted September 29, 2017

Decided October 11, 2017

Before

DIANE P. WOOD, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

DANIEL A. MANION, *Circuit Judge*

The following are before the court:

1. **APPELLANT'S MOTION FOR RECRUITMENT OF COUNSEL**, filed on August 23, 2017, by the pro se appellant.

2. **APPELLANT'S EMERGENCY MOTION FOR STAY PENDING APPEAL**, filed on September 26, 2017, by the pro se appellant.

3. RESPONSE TO APPELLANT'S EMERGENCY MOTION FOR STAY PENDING APPEAL, filed on October 10, 2017, by counsel for the appellees.

Appellant Lefloris Lyon asks the court to recruit counsel to represent him on appeal.

After considering the motion, the district court's order being appealed, and the underlying proceedings, we conclude that briefing would not assist the court in resolving the appeal. 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) (per curiam). The appeal is timely only with respect to the district court order denying two motions for recusal and Lyon's motion for relief pursuant to Federal Rule of Civil Procedure 60(b).

In 2014 the district court dismissed Lyon's complaint with prejudice because he filed it in violation of an order entered by the United States District Court for the Southern District of Mississippi, which required Lyon to receive leave of that court before he filed any new civil action related to the complaint in that case or any claims he could have brought in that case. See *Lyon v. Canadian Nat. Railway Co.*, 4:10-cv-00185-CWR-MTP (S.D. Miss. May 21, 2013).

In 2017 Lyon filed a Rule 60(b) motion and tendered an amended complaint. As the district court concluded, nothing in the proposed amended complaint overcomes the fundamental problem that the case was filed in violation of a valid order issued by the Southern District of Mississippi, and Lyon may not proceed unless he obtains leave of court before filing a new action.

Lyon also appeals from the denial of two motions to disqualify the district court judge.

In the first motion, Lyon alleged that Judge Dow engaged in secret and ex parte communica-

tions with the district court in the Southern District of Mississippi when that court's staff notified Judge Dow of its order and Judge Dow sent a copy of his dismissal order to that court. As he explained, Judge Dow's order explicitly provided that it was being sent to the Southern District of Mississippi and this type of communication between judges handling related cases is in no way prohibited. Lyon also sought Judge Dow's recusal based on his former employment, but that law firm never appeared in this case or the Mississippi case. Lyon alleged only generally that the law firm represented one of the defendants, but he offered no details about the capacity of the representation, and the distant relationship Lyon suggested is too removed to be a concern under 28 U.S.C. § 455(b)(2). In the other recusal motion, Lyon suggested that a reasonable observer would question Judge Dow's impartiality based on his rulings, but as Judge Dow explained, any judge applying the law to the circumstances of Lyon's complaint would have reached the same decision and his decision was based on the law not any bias against Lyon.

There is no reasonable basis for finding that the district court resolved this case on any ground other than the merits. *In re United States*, 572 F.3d 301, 308 (7th Cir. 2009).

Because there are no non-frivolous arguments Lyon can raise on appeal, **IT IS ORDERED** that the motion for recruitment of counsel and the motion for stay are **DENIED**, and the decision of the district court is summarily **AFFIRMED**.

4-a

APPENDIX B

**UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

No. 17-2675

LEFLORIS LYON, Plaintiff - Appellant

v.

**UNITED STATES OF AMERICA, et al.,
Defendants – Appellees**

District Court No: 1:16-cv-06833

Northern District of Illinois, Eastern Division

No. 17-2279

LEFLORIS LYON, Plaintiff - Appellant

v.

**UNITED STATES OF AMERICA, et al.,
Defendants – Appellees**

District Court No: 1:16-cv-06833

Northern District of Illinois, Eastern Division

No. 17-2684

LEFLORIS LYON, Plaintiff - Appellant

v.

**CANADIAN NATIONAL RAILWAY CO., et al.,
Defendants – Appellees**

District Court No: 1:14-cv-03421

Northern District of Illinois, Eastern Division

**Appeal from the United States District Court
For the Northern District of Illinois**

ORDER

Decided October 11, 2017

Before

DIANE P. WOOD, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

DANIEL A. MANION, *Circuit Judge*

The following are before the court:

1. **TO THE ATTENTION OF THE COURT BY APPELLANT**, filed on September 13, 2017, by pro se Appellant.

2. **APPELLANT MOTION FOR COPY OF FLASH DRIVE**, filed on September 26, 2017, by pro se Appellant.

3. **AMENDED NOTICE OF APPEAL AND MOTION TO CONSOLIDATE DOCKETS NOS. 17-2279, 17-2675, 17-2684**, filed on September 26, 2017, by pro se Appellant.

4. **APPELLANT'S AMENDED JURISDICTIONAL MEMORANDUM SUPPORTING THE MOTION FOR RECRUITMENT OF COUNSEL**, filed on September 26, 2017, by pro se Appellant.

5. **MOTION FOR RECONSIDERATION OF THE SEPTEMBER 8, 2017 ORDER SUPPORTING THE MOTION FOR RECRUITMENT OF COUNSEL REQUESTING RELIEF**, filed on September 26, 2017, by pro se Appellant.

6. **MOTION TO TAKE JUDICIAL NOTICE SUPPORTING THE MOTION FOR RECRUITMENT OF COUNSEL**, filed on September 26, 2017, by pro se Appellant.

7. **RESPONSE TO APPELLANT'S MOTION FOR COPY OF FLASH DRIVE**, filed on October

10, 2017, by counsel for Appellee Wise Carter Child & Caraway, P.A.

IT IS ORDERED that the motions to reconsider the court's order dated September 8, 2017, are **DENIED**. He requests reconsideration of the order severing appeal nos. 17-2675 and 17-2684 and asks that these appeals be consolidated with appeal no. 17-2279. He further argues that he should have to pay only one filing fee for all three appeals. Appeal no. 17-2279 was dismissed for lack of jurisdiction on July 28, 2017, and Lyon offers no argument why this appeal should be reopened. Appeal nos. 17-2675 and 17-2684 are from two distinct district court cases. These cases were not consolidated in the district court and were filed two years apart. The only joint filing made in the two cases was when Lyon filed a notice of appeal that listed both district court cases. His request to reconsider the denial of leave to become an electronic filer also is **DENIED**.

IT IS FURTHER ORDERED that the motion for copy of flash drive is **DENIED**. The district court has placed the items filed before it under seal and transmitted the record to this court under seal. The court therefore will not provide a copy of the record on appeal to the appellant unless these items are placed in the public record by the district court.

IT IS FINALLY ORDERED that the motion to take judicial notice is **DENIED**. These documents are not relevant to the issues on appeal.

7-a

APPENDIX C
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 17-2675

LEFLORIS LYON, Plaintiff - Appellant

v.

UNITED STATES OF AMERICA, et al.,
Defendants – Appellees

District Court No: 1:16-cv-06833

Northern District of Illinois, Eastern Division

No. 17-2684

LEFLORIS LYON, Plaintiff - Appellant

v.

CANADIAN NATIONAL RAILWAY CO., et al.,
Defendants - Appellees

District Court No: 1:14-cv-03421

Northern District of Illinois, Eastern Division

Appeal from the United States District Court
For the Northern District of Illinois

ORDER

Decided September 8, 2017

Before

DIANE P. WOOD, *Chief Judge*

The following are before the court:

1. **MOTION FOR LEAVE TO FILE ELECTRONICALLY**, filed on August 23, 2017, by pro se Appellant.

2. **MOTION FOR ORDER SEALING THE RECORD ON APPEAL**, filed on August 30, 2017, by Attorney James D. Helenhouse.

3. **PLAINTIFFS-APPELLANTS' OBJECTIONS TO NONPARTY MOTION TO SEAL**, filed on September 1, 2017, by pro se Appellant.

4. **RENEWED MOTION FOR LEAVE TO FILE ELECTRONICALLY**, filed on September 1, 2017, by pro se Appellant.

IT IS ORDERED that this court's order consolidating the appeals is **VACATED**, and these appeals are **SEVERED**. Briefing remains **SUSPENDED** pending resolution of the motion for recruitment of counsel in both appeals and the jurisdictional issue in appeal no. 17-2675.

IT IS FURTHER ORDERED that the appellant's motions for leave to file electronically are **DENIED**.

IT IS FURTHER ORDERED that the motion for order sealing the record on appeal is **GRANTED** only to the extent that certain filings in appeal no. 17-2684 will be placed under seal. The clerk of this court shall unseal the appeal, but shall place under seal the short record, the appellant's docketing statement, the appellee's motion to seal, and the appellant's opposition to the motion to seal. The parties shall have access to these filings, but they will not be part of the public record. The court will review any new filings by the appellant before placing them on the docket to determine if the filings may be placed in the public record, if the filings need to be sealed, or if access to the filings must be completely restricted. The court will restrict all access, including the parties' access, to any confidential documents covered by the protective order of the United States District Court for the Southern District of Mississippi. If the appellees

9-a

seek leave to file any documents under seal or under completely restricted access, the appellees should file an appropriate motion.

IT IS FINALLY ORDERED that the clerk of this court shall maintain under seal the exhibits to the appellant's jurisdictional memorandum filed in appeal no. 17-2675.

10-a

APPENDIX D
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

No. 17-2684

LEFLORIS LYON, Plaintiff - Appellant

v.

CANADIAN NATIONAL RAILWAY CO., et al.,
Defendants – Appellees
District Court No: 1:14-cv-03421
Northern District of Illinois, Eastern Division

Appeal from the United States District Court
For the Northern District of Illinois

ORDER

Decided November 8, 2017

Before

DIANE P. WOOD, *Chief Judge*
FRANK H. EASTERBROOK, *Circuit Judge*
DANIEL A. MANION, *Circuit Judge*

On consideration of the motion filed by plaintiff-appellant on October 24, 2017, and construed as a petition for rehearing, all members of the original panel have voted to deny the petition for panel rehearing.

Accordingly, the petition for rehearing is hereby DENIED.

APPENDIX E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI, CAUSE
NO. 4:10-CV-185-CWR-MTP

LEFLORIS LYON, PLAINTIFF

v.

WISE CARTER CHILD & CARAWAY
PA; CHARLES H. RUSSELL; GEORGE
H. RITTER, DEFENDANTS

FINAL JUDGMENT UNDER RULE 54(B)

For the reasons stated on the record at a hearing held this day by this Court, the plaintiff's claims against the defendants are dismissed with prejudice. Although the defendants' counterclaims remain pending, there is no just reason to delay entry of this Final Judgment on the plaintiff's claims. *See Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 8 (1980) (describing considerations relevant to Rule 54(b) certification). Accordingly,

IT IS HEREBY ORDERED that the plaintiff's claims against the defendants are dismissed with prejudice.

IT IS FURTHER ORDERED that, for the reasons stated on the record this day, the plaintiff must receive leave of a District Judge of the United States District Court for the Southern District of Mississippi before he may file a new civil action which is related to his complaint in this case, his proposed amended complaint in this case, or any claims he could have brought in this case.

SO ORDERED AND ADJUDGED, this the 21st day of May, 2013.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE

12a-16a

APPENDIX F: Order, sealing case,
releasing copy of sealed complaint
FILED UNDER SEAL IN APPENDIX VOLUME II
(District Court, August 15, 2014) 12a-16a

APPENDIX G

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
CIVIL ACTION NO.: 3:13cv913-CWR-MTP

LEFLORIS LYON, PLAINTIFF

VS.

WISE CARTER CHILD & CARAWAY PA;
CHARLES H. RUSSELL and GEORGE H. RITTER,
DEFENDANTS

**ORDER FINDING LEFLORIS LYON
IN CONTEMPT OF COURT**

The Court held a hearing on its Order to Show Cause [Docket No. 503] at 2:30 p.m. on August 19, 2014. Said hearing was scheduled for 9:30 a.m. on Monday, August 18, 2014, but Lefloris Lyon did not appear. A Bench Warrant was issued [Docket No. 514], and Lyon was brought to Court on Tuesday, August 19, 2014.

The Court considered the arguments of the parties regarding whether Lyon had sufficiently set forth cause as to why he failed to appear at the hearing on Monday, August 18, 2014, wherein he was to provide the Court with cause as to why he should not be held in contempt for violating the Final Judgment in this action. [Docket Nos. 493, 503]. After the end of the day, but before all arguments were received, the Court continued the hearing until 9:00 a.m., Thursday, August 21, 2014. Prior to recessing the hearing, the Court informed the parties that when they appeared today, the Court would not only hear additional argument on Lyon's failure to attend the previous hearing, but it

would also receive arguments on the following: (1) why Lyon should not be held in contempt or subjected to further sanctions for violating the Final Judgment and (2) whether the Court should grant the Wise Carter Defendants' Motion for Sanctions for Plaintiff's Unauthorized Filing of a Related Suit in the District Court for the Northern District of Illinois [Docket No. 500].

When the case was called, Lyon did not appear. The Defendants announced ready, and the Court proceeded with the hearing. By refusing to appear, Lyon waived his right to offer argument or otherwise participate in the hearing.

At the conclusion of the hearing, the Court made certain findings in open court which are incorporated herein. More particularly, the Court found that Lyon violated the provisions contained within the Final Judgment by failing or refusing to deliver to the United States Marshal on August 1, 2014, before 5:00 p.m., all copies of Wise Carter Materials in whatever form, including paper and electronic copies in his possession or under his control. **He is in CONTEMPT, and SANCTIONS SHALL ISSUE.**

FURTHERMORE, the Court concludes that the action styled *Suppressed v. Suppressed*, No. 1:14cv03421, filed on May 9, 2014, in the Northern District of Illinois, was filed in direct violation of the Court's earlier orders, including the Court's Final Judgment under 54(B), which provided that Plaintiff "must receive leave of a District Judge of the United States District Court for the Southern District of Mississippi before he may file a new civil action which is related to his Complaint in this case, his proposed Amended Complaint in this case, or any claims he could have brought in this case." [Docket No. 415].

FURTHERMORE, the filing of the action in the Northern District of Illinois evinces wilful and contumacious conduct on the part of Lyon. That matter is not an "independent action" as alleged by Lyon. It incorporates and regurgitates many, if not all, of Lyon's allegations, accusations, theories of recovery, and claims for relief which he asked this Court to consider and which this Court has rejected. Moreover, a substantial portion of the ninety-five page verified Complaint, with its 318 paragraphs, accuses parties, counsel, and various judicial officers of this Court and a judge of the Fifth Circuit Court of Appeals of *criminal* conduct, even referring to the judicial officers as "co-conspirators." These same unfounded accusations were asserted in Lyon's pleadings, declarations, and affidavits submitted in this case and filed in the appeals and petitions to the United States Court of Appeals for the Fifth Circuit and the United States Supreme Court.

FURTHERMORE, although Lyon's statements about the parties, their counsel, and various judicial officers are without foundation, baseless, and simply scurrilous, Lyon declares "under penalty of perjury, under the laws of the United States, that the above statements are true and correct, according to the best of my current information, knowledge of the evidence, records or documents, and belief, so help me God, pursuant to 28 U.S.C. § 1746." *Suppressed v. Suppressed*, No. 1:14cv3421 (Complaint ¶ 318). Lyon's accusations made under penalty of perjury are beyond contempt. His disrespect for the rules of this Court, its inherent authority, and our system of justice is deplorable. And, this Court must not allow such appalling behavior to be transferred to its sister court in Illinois. The Wise Carter Defendants' Motion for Sanctions [Docket No. 500], therefore, is GRANTED. It is

further ordered that Lyon's Motion for Permission to Sue [Docket No. 508] is DENIED.

Having determined based on clear and convincing evidence that Lyon is in contempt of its Orders, the Court orders as follows:

(1) Because Lyon did not obtain permission from this Court to file *Suppressed v. Suppressed*, he must cause that action to be dismissed with prejudice. That Action must be dismissed by 5:00 p.m., Friday, August 22, 2014.

(2) That if Lyon has filed any other action which comes under the purview of this Court's Final Judgment [Docket No. 415] or any other order of this Court, he shall cause that action or those actions to be dismissed with prejudice.

(3) That Lyon shall file with this Court a list of exhibits, appendices, and/or documents he filed with the Complaint in *Suppressed v. Suppressed* or in any other civil action described in ¶ 2 above, because any attachments, exhibits, and filings with the Complaint may be the subject of this Court's protective order(s) proscribing the use and dissemination of said documents. This list shall be filed with this Court by 5:00 p.m., Friday, August 22, 2014.

(4) That by 6:00 p.m., Friday, August 22, 2014, Lyon shall provide proof to this Court that he has complied with ¶¶ 1 and 2 above.

(5) That this Court will cause a copy of this Order to be delivered to the Honorable Robert M. Don, Jr., United States District Judge, Northern District of Illinois, who is assigned to the case *Suppressed v. Suppressed*.

(6) That Lyon shall submit by noon, August 22, 2014, a copy of this Order to any other judge who is or may be assigned to any case described in ¶ 2.

(7) That Lyons shall provide this Court the location of all computers, electronic storage devices, and personal digital assistants he used to store, save, transmit, receive, or retrieve any and all Wise Carter Materials as has been identified in previous orders of this Court. The location shall include the full address where these devices may be found and the identity of the persons who may be in possession of such devices. Identity of persons shall include their full name, address, and telephone number. Furthermore, Lyon is under specific orders of this court to ensure that those devices are not harmed or damaged, and that any information contained in them is not erased, discarded, purged, or otherwise destroyed. The location of the devices and the identity of those persons who are in possession or in control of such devices shall be provided to this Court by 12:00 noon, Friday, August 22, 2014.

(8) As stated on the record, further sanctions shall issue. The primary purpose of this Order is as follows: (1) to inform Lyon that he has been found in CONTEMPT and that SANCTIONS shall issue; (2) to inform the Honorable Robert M. Dow, Jr., the judge presiding over *Suppressed v. Suppressed*, of this finding so that he is aware of this CONTEMPT finding, which should assist that court in determining how best to proceed in that case; (3) to inform the Honorable Robert M. Dow, Jr., that documents, exhibits, appendices, or other filings submitted with the Complaint in *Suppressed v. Suppressed* may have been submitted in violation of this Court's prior protective order(s); (4) so that Lyon is fully informed and ordered to dismiss with prejudice that action (*Suppressed v. Suppressed*); and (5) so that Lyon is aware that further sanctions shall issue.

(9) Further sanctions shall issue, and those sanctions shall be set forth in a separate order of this Court.

22-a

SO ORDERED AND ADJUDGED on this, the
21st day of August.

s/Carlton W. Reeves

UNITED STATES DISTRICT JUDGE

23a-26a

APPENDIX H: Order, maintaining case under seal,
dismissal under 28 U.S.C. § 1915, denying emergency
motion for a criminal referral and related relief,
FILED UNDER SEAL IN APPENDIX VOLUME II
(District Court, September 4, 2014) 23a-26a

27a-30a

APPENDIX I: Order, maintaining case under seal,
denying IPF on appeal,
FILED UNDER SEAL IN APPENDIX VOLUME II
(District Court, September 16, 2014) 27a-30a

APPENDIX J

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

LEFLORIS LYON, Plaintiff - Appellant

v.

UNITED STATES OF AMERICA, et al.,
Defendants – Appellees

District Court No: 1:16-cv-06833

Northern District of Illinois, Eastern Division

ORDER

For the reasons stated below, Plaintiff's motions to disqualify or recuse the undersigned judge [71, 72] and for reconsideration of the Court's June 12, 2017 order [76] are denied. In view of the disposition of these motions, the Clerk is directed to transfer this case forthwith to the United States District Court for the Southern District of Mississippi. The notice of motion date of 6/20/2017 is stricken and no appearances are necessary on that date. Plaintiff's motion for leave to file an amended complaint [64] remains open for disposition in the transferee court.

STATEMENT

On June 12, 2017, the Court entered an order transferring this case to the United States District Court for the Southern District of Mississippi [69], given that "the *only* connection that this case has to Illinois is that Plaintiff now lives here"—having moved to Illinois from Mississippi—and that "[e]very other aspect of the case points to Mississippi as the proper venue." After the docketing of that order, Plaintiff filed two motions to recuse or

disqualify the undersigned judge [71, 72] and a motion for reconsideration of the June 12 order [76].

As a threshold matter, the Court considers whether it retains jurisdiction over the case following the entry of the transfer order. Local Rule 83.4 provides that when a transfer order is entered, "the clerk shall delay the transfer of the case for 14 days following the date of the docketing of the order of transfer" unless the court directs that the transfer be made "forthwith." The Seventh Circuit has held that a district court retains jurisdiction to reconsider its earlier decision to transfer a case in the absence of "any indication in the transfer order that it was intended to be effective instantly; any attempt by the [transferee] district court to exercise jurisdiction during the interval; any attempt by either party to persuade the [transferee] federal court to do so; a forwarding of the record in the case; and any other unusual circumstance." *Robbins v. Pocket Beverage Co., Inc.*, 779 F.2d 351, 356 (7th Cir. 1985). The local rule and the circuit precedent confirm that this Court retains jurisdiction to rule on Plaintiff's motions, as the 14-day period has not yet passed, nor are any of the circumstances noted in *Robbins* present in this case.

The Court turns next to the motions for recusal and disqualification [71, 72]. 1 Those motions stem from rulings that the Court made in a prior case, *Lyon v. Canadian Nat'l Ry. Co.*, 14-cv-3421 (N.D. Ill.). In that case, the Court entered an order [10] and a judgment [11] against Plaintiff on the ground that his entire lawsuit in this district was filed in violation of an order of a federal court in Mississippi and that his recourse was to appeal the adverse decision to the Fifth Circuit (and, if necessary, the Supreme Court of the United States), but that he could not flout the court order with new litigation in another district. Plaintiff appealed this

Court's judgment. The Seventh Circuit summarily affirmed (see *Lyon v. Appellee*, No. 15-1171, slip op. at 2 (7th Cir. Feb. 25, 2015) (unpublished order)), concluding after "carefully review[ing] the district court's orders, the record on appeal, and the appellant's motion" that "[a]ny issues that could be raised are insubstantial." The same can be said of Plaintiff's motions for recusal and disqualification. All of this Court's rulings in Plaintiff's 2014 case rested on straightforward applications of boilerplate law concerning the proper channels for seeking review of adverse decisions issued by another court, and the transfer ruling in this case likewise followed from well-settled legal principles, which overwhelmingly indicated that the case belongs in another venue. This Court neither had nor exhibited any bias toward Plaintiff in this case or in the prior case. Accordingly, the motions for recusal and disqualification [71, 72] are denied. 2

In regard to the motion for reconsideration [76], the gist of Plaintiff's argument seems to be that the Court should have ruled on Plaintiff's motion for leave to file a fifty page amended complaint proposing to add numerous new claims [64, filed on June 2, 2017] before ruling on the fully briefed motion to transfer venue [18, filed on October 21, 2016]. The motion for reconsideration [76] is denied. Once again, Plaintiff "alleges that he could not have and can not file his tort claims case in Mississippi or the Fifth Circuit, because Canadian National Railway Company (hereinafter "CN"), with its U.S. corporate headquarters located at 17641 South Ashland Avenue, Homewood, Illinois 60430, has corrupted the United States District Court for the Southern District of Mississippi and Fifth Circuit Court of Appeals as shown in the proposed Amended Complaint." [See 76, at 5.] This Court previously addressed that same argument [see 69, at 2], and the rationale remains as valid this week

as it was last week. Finally, it was within this Court's discretion to rule on the fully-briefed motion to transfer rather than delaying ruling on that motion to allow briefing on Plaintiff's motion to amend—and that motion remains open for disposition in the transferee court.

Dated: June 19, 2017

Robert M. Dow, Jr.

United States District Judge

1 As Plaintiff notes [see 74, at 1], in September 2016 the Court included in its minute entry the notation that “[i]f Plaintiff believes that recusal of the undersigned judge is warranted, he may file an appropriate motion and supporting memorandum at any time.” [See 11.] Plaintiff waited until nine months later, *after* the Court issued an order transferring the case, to file his motion.

2 Of course, the practical effect of the transfer order is that *the undersigned's involvement as the presiding judge in this case will be an end* in any event.

35-a

APPENDIX K
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 11-60717

USDC No. 4:10-CV-185

In re: LEFLORIS LYON, Petitioner

Petition for a Writ of Mandamus
to the United States District Court
for the Southern District of Mississippi

Decided February 8, 2012

Before BENAVIDES, STEWART, and GRAVES,
Circuit Judges.

PER CURIAM:

On October 5, 2011, LeFloris Lyon filed in this court a pro se petition for a writ of mandamus and a motion requesting leave to file his mandamus petition in forma pauperis (IFP). He also moved for leave to file electronically, to supplement the record, for appointment of counsel in the event that we schedule his petition for oral argument, and to place this case under seal. On October 24, 2011, in light of developments in the district court, Lyon moved to amend his petition and to stay further proceedings in this court.

In his petition, Lyon requested relief pertaining to the district court's handling of his multifaceted civil suit alleging, inter alia, civil RICO claims and retaliatory firing in violation of the whistle-blower provisions of the Sarbanes-Oxley Act. The primary relief sought by Lyon was for Judge Jordan and Magistrate Judge Ball to recuse themselves from the district court proceedings.

Magistrate Judge Ball did recuse himself on October 20, 2011, and Lyon's case was reassigned to Magistrate Judge Anderson.

The mandamus remedy is an extraordinary one, which we grant only in the clearest, most compelling cases. A party seeking mandamus relief must show both that he has no other adequate means for achieving the requested relief and that he has a clear and indisputable right to mandamus relief. *In re Willy*, 831 F.2d 545, 549 (5th Cir. 1987).

The primary relief sought by Lyon was the recusal of Magistrate Judge Ball. The request is now moot. Lyon now asks that we hold his petition in abeyance until the newly assigned magistrate judge is able to address various motions he has filed since October 3, 2011; thus, he is not currently seeking the recusal of Judge Jordan. Since the case was reassigned, the district court has held a status hearing and addressed several motions, the magistrate judge has held an unsuccessful settlement conference, and Lyon has filed new motions and re-filed motions that previously were denied.

Given the current posture of Lyon's case in the district court, we decline to hold his mandamus

petition in abeyance. Any renewed proceeding would involve substantially new and different pleadings based on events that had not occurred when the petition was originally filed. Because Lyon has received the primary relief he sought and does not currently wish to pursue his other requested relief, mandamus relief is not appropriate.

The motion for IFP is GRANTED, the motion to stay proceedings is DENIED, the petition for a writ of mandamus is DENIED, and all further outstanding motions are DENIED.