

Case No. _____

In The Supreme Court Of The United States

Marlon L. Watford

Petitioner

vs.

Natasha Doe, et al.

Respondents

On Petition For A Writ Of Certiorari To
United States Court Of Appeals For The Seventh Circuit

Petition For Writ Of Certiorari

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Question Presented For Review

Does the Petitioner's 28 U.S.C. § 1915(b)(4) right not to be prohibited from taking an appeal due to his inability to pay the filing fee violated — when the District Court's (28 U.S.C. § 1915(a)(3)) appeal is not taken in good faith ruling and the Court of Appeals For The Seventh Circuit concurring ruling thereof is established off erroneous facts, a violation of the law of the case doctrine, and a violation of the federal law (viz: Griffin v. Illinois)???

List Of Parties

Natasha Doe

Jan Doe

John Doe

Supt. Engleson

Supt. Hunter

Officer Romero

Warden Williams

Warden Pfister

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The opinion of the United States Court of Appeals For The Seventh Circuit appears at Appendix A and B and is an unpublished opinion (see Appendix A and B). The opinion of the United States District Court for the Northern District of Illinois appears at Appendix C and D and is an unpublished opinion (see Appendix C and D).

Jurisdiction Statement

The date on which the United States Court of Appeals For The Seventh Circuit rendered its opinion on the Petitioner's case was April 11, 2018 and May 8, 2018 (see Appendix A and B). No petition for rehearing was filed. On July 6, 2018 the United States Supreme Court

granted the Petitioner's Application For An Extension Of Time; Application No. 18A29. The jurisdiction of this Supreme Court is invoked pursuant to 28 U.S.C. § 1254(1).

Constitutional And Statutory Provisions Involved

28 U.S.C. § 1915(b)(4) reads as follows:

"In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee."

28 U.S.C. § 1915(a)(3) reads as follows:

"An appeal may not be taken in forma pauperis if the trial court certifies that it is not taken in good faith."

The Fourteenth Amendment reads as follows:

" . . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

* * *

Statement Of The Case

The Petitioner is a devout and sincere Muslim practicing the Religion of Al-Islam and he has an obligatory duty to obey Allah and to obey His Messenger (see Holy Qur'an: Sura 33, Ayat 36); and, per the Prophet Muhammad the Petitioner has an obligatory duty to keep himself free from all forms of oppression (viz: financial, social, racial) (see Sahih Muslim Hadith; Doc. 17 (viz: Appendix I)).

As a prisoner in the Illinois Department Of Corrections the Petitioner has a prisoner social status right to reasonable free legal postage as a temporary court writ prisoner at N.R.C. Stateville Correctional Center (see Appendix H (at P.12)) (see also Doc. 48 (viz: Appendix A (at P.12))).

On or about September 2, 2014 while at N.R.C. Stateville the Petitioner was denied his right to free legal postage when he attempted to mail out his Motion For An Extension Of Time for his Watford v. Quinn case (14-CV-0571) in the Southern District Of Illinois (see Doc. 17 and 28 U.S.C. § 1746). On September 16, 2014 as a result of being deprived of his right to free legal postage the Petitioner missed his September 8, 2014 amended complaint deadline filing date and his Watford v. Quinn case was dismissed for failure to prosecute and failure to state a claim, etc. (see Id.).

On October 26, 2015 the Petitioner filed a Civil Suit Petition in the United States District Court, Northern District Of Illinois, pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 2000cc ——— which gave said court jurisdiction over the Petitioner's case (see Doc. 1).

In said petition the Petitioner asserted that his First Amendment right to access to the courts and freedom of religion right and RLUIPA right were violated along with his Fourteenth Amendment right to equal protection of the law and due process of law ——— due to him being deprived of his prisoner social status right to the financial boon of reasonable free legal postage like similarly situated Stateville parent institution inmates which subsequently inhibited him from discharging his religious duty of keeping himself free from all forms of oppression (viz: financial

and social) and impeded him from filing his extension of time motion in the Southern District Court (see *Id.*).

On January 19, 2016 Judge Zagel dismissed the Petitioner's complaint without prejudice and instructed him to amend it on the ground that his complaint was too jam packed with details that it was too difficult to comprehend and to answer it and that he failed to fully disclose his litigation history (see Doc. 4) (see also Appendix E).

On April 13, 2016 the Petitioner filed a Motion For Substitution Of Judge contending that Judge Zagel was bias against him due to his pro se status and because he didn't have a law license (see Doc. 15). On the same date the Petitioner filed a Motion To Object, Spread The Record, And Request Reconsideration — of Judge Zagel's 28 U.S.C. § 1915(A) screening complaint

order (see Doc. 14). On May 16, 2016 in a written order Judge Zagel denied the Petitioner's Motion For Substitution Of Judge filed against him and denied his Motion To Object, Spread The Record, And Request Reconsideration (see Appendix G) (see also Doc. 19).

On April 13, 2016 the Petitioner filed his first amended complaint as ordered by Judge Zagel (see Doc. 17): Therein the Petitioner "attached" additional documentation concerning his litigation history and set forth the rest in writing within his said complaint (see Doc. 17). Further, the Petitioner reduced the page count of his complaint and re-asserted that his First Amendment right to access to the courts and freedom of religion right and RLUIPA right were violated along with his Fourteenth Amendment right to equal protection of the law and due process of law ——— due to him be-

ing deprived of his prisoner social status right (as a temporary court writ inmate at N.R.C. Stateville) to the financial boon of reasonable free legal postage like similarly situated Stateville parent institution inmates which subsequently inhibited him from discharging his religious duty of keeping himself free from all forms of oppression (viz: financial and social) and impeded him from filing his Motion For An Extension Of Time in the Southern District and resulted in his Watford v. Quinn case (14-CV-0571) being dismissed for failure to prosecute and failure to state a claim (see Doc. 17).

On May 16, 2016 Judge Zagel issued a ruling that the Petitioner's proposed amended complaint cannot proceed on the ground that the "proposed amended complaint cures some, but not all of the defects in the original complaint." Specifically, Plaintiff appears to have

disclosed/clarified his full litigation history, as he was instructed to do in the Court's January 19, 2016 order." And, "given the pleading deficiencies in Plaintiff's original complaint and his failure to cure them in the amended pleading, it appears that Plaintiff does not have the wherewithal to continue litigating this case on his own. Accordingly, the Court *ex sponte* recruits attorney Howard J. Stein" (see Appendix F and Doc. 18).

On September 8, 2016 attorney Howard J. Stein filed a Motion For Relief From Appointment on the ground that there exist a substantial disagreement on litigation strategy between Mr. Stein and Mr. Watford concerning the nature and scope of any further amended claims to be brought on behalf of Mr. Watford (see Doc. 28).

On September 12, 2016 the Petitioner filed pro se a Motion For Conflict-Free Counsel contending that

his recruited counsel Mr. Stein was an atheist and under appreciates the Freedom of Religion Clause of the First Amendment of the U.S. Constitution and fails to note and draw a connection between the Petitioner's mandatory Al-Islam religious duties of keeping himself free from financial and social oppression and the Respondents depriving him of his I.D.O.C. (viz: Stateville) prisoner social status right of: 1) free legal postage; and 2) legal postage on a credit line consignment fee basis——in order to see the merits of his RLUIPA and First Amendment right to freedom of religion claims (see Doc. 29).

On August 11, 2017 in the United States District Court, Southern District of Illinois the Petitioner successfully stated a cognizable freedom of religion claim through recruited counsel Lane Matthews that his RLUIPA statutory right and First Amendment right to freedom of religion were

violated for him being subjected to financially oppressive policies and practices (see Appendix I (at P.5)).

On October 25, 2016 Judge Zagel granted re-cruited counsel Howard J. Stein leave to withdraw as counsel (see Doc. 31); and on November 2, 2016 Judge Zagel terminated the Petitioner's Motion For Conflict-Free Counsel and sealed the document from being viewed (see between Doc. 33 and 34). On October 26, 2016 Judge Zagel re-cruited attorney Brion W. Doherty on the behalf of the Petitioner (see Doc. 32); and on the same date Judge Zagel requested that the Petitioner's case be re-assigned to Judge Virginia Kendall due to Judge Zagel taking senior judge status (see Doc. 33).

On August 7, 2017 attorney Brion W. Doherty filed a standard Motion For Relief From Appointment on the ground that there exist a substantial disagreement

on litigation strategy between Mr. Doherty and Mr. Watford concerning the nature and scope of any further amended claims to be brought on behalf of Mr. Watford (see Doc 41).

On August 11, 2017 the Petitioner filed a Motion For Conflict-Free Counsel contending, inter alia, that recruited counsel incorrectly believed and concluded that the Southern District Court's October 20, 2014 "indicative ruling" invitation to initiate re-instatement litigation of the Petitioner's Watford v. Quinn case "if" he files a relief from judgment petition for the erroneous failure to prosecute dismissal of his complaint — relieved the Respondents of being constitutional liable "in" the Northern District of Illinois for denying him access to the courts and inhibiting him from practicing his religion and performing his religious practice of keeping himself free from financial and social oppression due to the Respondents depriving him of his right to free legal postage (see Doc. 43).

On August 16, 2017 the Petitioner informed Judge Kendall that recruited counsel did not discuss with him the merits of his equal protection of the law violation claim (see Appendix J (at P. 9-11) or Doc. 70); however, on the same date Judge Kendall granted Mr. Doherty's Motion For Relief From Appointment (see Id. (at P. 11); thereafter, Judge Kendall made a finding that the Petitioner was intelligent and denied his Motion For Conflict-Free Counsel and that he didn't have a right to free legal postage at Stateville (see Id. (at P. 11-12)).

On October 10, 2017 the Petitioner filed per the mailbox rule (on 10-2-17) a Memorandum of Law in support of his amended complaint claims having merit due to his right to free legal postage at Stateville (see Doc. 48 and e.g., Appendix H (at P. 12)). On October 11, 2017 Judge Kendall dismissed the Petitioner's pro se amended

complaint with prejudice on the grounds of failure to state a claim and failure to fully disclose his litigation history (see Appendix D (at P.3) and Doc. 46). On November 20, 2017 the Petitioner timely filed his Notice Of Appeal, Docketing Statement, and Motion To Proceed On Appeal *in Forma Pauperis* (see Doc. 54, 55, and 56):

In the Petitioner's I F P motion he contended, *inter alia*, that his appeal is taken in good faith and asserted that the claims of error he intends to raise on appeal are: 1) Judge Zagel abused his discretion for sitting in judgment of himself on the Petitioner's Motion For Substitution Of Judge filed against him, 2) Judge Kendall abused her discretion for dismissing his amended complaint for failure to state a claim and failure to disclose his full litigation history, and 3) Judge Kendall abused her discretion for failing to

recruited counsel a third time because the Petitioner had a procedural and substantive due process of law "entitlement" to said counsel based off Judge Zagel's order that the Petitioner didn't possess the inherent right to litigate his case on his own (see Doc. 56).

On January 2, 2018 Judge Kendall denied the Petitioner's I F P motion on the ground that his appeal is not taken in good faith for the reasons stated in her October 11, 2017 dismissal order (see Appendix C). On February 12, 2018 the Petitioner sent the District Court a letter informing the Court that he did not receive a copy of Judge Kendall's January 2, 2018 ruling on his I F P motion (see Doc. 67). That in order to obtain a copy of said judge's January 2, 2018 order the Petitioner had to purchase it and he didn't have a copy of the same when preparing his I F P motion for the Court of Appeals (see Appendix K).

On March 16, 2018 per the mailbox rule

the Petitioner filed in the Court of Appeals For The Seventh Circuit his Motion To Proceed On Appeal c/n Forma Pau- peris with his supporting memorandum of law (see 28 U.S.C. §1746 and Case No. 17-3388 Doc. 12 or 13).

Therein the Petitioner argued, inter alia, that his appeal was taken in good faith, Judge Kendall did not send him a copy of her January 2, 2018 I F P denial order, offered several lines of argument to undermine Judge Kendall's appeal not taken in good faith conclusion, that a reasonable person could suppose that his appeal has some merit, and requested the Court to recruit counsel

(see I.d.). On April 11, 2018 said Court of Appeals summarily denied the Petitioner's said I F P motion and denied his request for recruitment of counsel (see Ap- pendix A). And on May 8, 2018 said Court of Appeals dismissed the Petitioner's appeal for failure to pay the required docketing fee and failure to prose-

cute (see Appendix B).

The Reason For Granting The Writ

It is the Petitioner's position that the Seventh Circuit Court of Appeals and the District Court's I F P denial ruling that his appeal is not taken in good faith is clearly erroneous because it was based off the erroneous dismissal of his 1983 first amended complaint failing to state a claim and for failure to disclose his full litigation history which consequently violated his 28 U.S.C. § 1915(b)(4) right not to be prohibited from bringing an appeal for the reason that he has no means by which to pay the initial partial filing fee.

Destitute [plaintiff-petitioners] must be af-

forded as adequate appellate review as [plaintiff-petitioners] who have money. . . See e.g., Griffin v. Illinois, 76 S.Ct. 585 (at 591).

The Petitioner's I F P motions were denied by the Court of Appeals and the District Court allegedly because his appeal was not taken in good faith (see Appendix A and C). However, those decisions were manifestly erroneous because they were predicated off the dismissal of the Petitioner's 1983 first amended complaint on the grounds of — failure to state a claim and failure to disclose his full litigation history (see Appendix D): Said grounds of dismissal have no factual support from the record; which means that they were clearly erroneous and leave no other valid grounds to support said dismissal.

In being specific, on October 11, 2017 Judge Kendall based the dismissal of the Petitioner's first amended complaint for failure to disclose his full litigation history regarding the appeal of his Watford v. Quinn case (14-CV-0571) to the Seventh Circuit Court of Appeals (see Appendix D (at P.3)).

Prior to Judge Kendall basing her ruling on said ground, on May 16, 2016 Judge Zagel had reached a finding of fact that the Petitioner did "disclose/clarified his full litigation history" (see Appendix F (at P.1)). Which means Judge Kendall's failure to disclose full litigation history ground of dismissal of the Petitioner's said complaint violated the law of the case doctrine and subsequently makes it invalid. See Brengettey v. Horton, 423 F.3d 674 (at 680) (7th Cir. 2005); wherein it states:

"The law of the case doctrine in these circumstances reflects the rightful expectation of litigants that a change of judges mid-way through a case will not mean going back to square one. . . although the second judge may alter previous rulings if he is convinced they are incorrect, he is not free to do so. . . merely because he has a different view of the law or facts from the first judge."

Furthermore, even in arguing that Judge Kendall was convinced that Judge Zagel's disclosed/clarified his full litigation history, "finding" was incorrect — the record still belies Judge Kendall's dismissal ground of failure to disclose full litigation history because attached as the "first" appendix to the Petitioner's first amended complaint was the Court of Appeals denial order to the appeal of his Watford v. Quinn case (see Doc. 17 (at Appendix A)). Thus, the very information that Judge Kendall claims the Petitioner didn't disclose wasn't done in bad faith to deceive the court and she was fully

aware of it because on August 16, 2017 she stated on the record that she read every page of the Petitioner's said complaint (see Appendix J (at P.3)) (see also Doc.17 (at P.13, paragraph 12)).

Also, Judge Kendall's failure to state a claim ground of dismissal for the Petitioner's first amended complaint is not supported by the record because in the Petitioner's said complaint he stated that he was being treated differently as a temporary court writ inmate at Stateville than parent institution inmates "regarding the free legal postage policy" (see Doc. 17 (at P.10-12 and P.18-21)). Namely, he wasn't allowed to use it while other inmates were.

Thus, the Petitioner stated an equal protection of the law violation claim when taking the allegations of his complaint as true and holding his "pro se" amended complaint to less stringent standards than an attorney is

held to. See Hughes v. Rowe, 101 S.Ct. 173 (at 176).

And, Judge Kendall more-or-less conceded to the same on the record on August 16, 2017 regarding the Petitioner's equal-protection claim being stated notwithstanding the fact that she failed to take the allegations of his complaint as true on October 11, 2017 (see Appendix J (at P.9) and Appendix D).

In addition to that, the Petitioner also stated a denial of access to the courts violation claim and freedom of religion violation claims. In regards to the denial of access to the courts claim the Petitioner stated in his said complaint that prison officials refused to mail out his Motion For An Extension Of Time which resulted in the dismissal of his Watford v. Quinn case for failure to prosecute (see Doc. 17 (at P.13)). Which means that the Petitioner's amended complaint comported with this Supreme Court's federal law standard for successfully stating a valid denial of access to the courts claim. See Christopher v. Harbury, 122 S.Ct. 2179 (at 2186).

And, it is critical to denote that the Petitioner did attach a properly filled out money voucher postage request to his legal mail contrary to Judge Kendall's otherwise finding of fact (see Doc. 56 (at Appendix C and D)). That is to say, the Petitioner was not denied access to the courts due to his own error as Judge Kendall had found, but——rather, the Petitioner was denied access to the courts due to prison officials maliciously depriving him of his right to free legal postage "or", alternatively, legal postage on a consignment fee basis. Thus, Judge Kendall's failure to state a claim ground of dismissal is not supported by the record.

In turning to the Petitioner's freedom of religion violation claims, in his amended complaint he clearly stated that he was a Muslim practicing the Religion of Al-Islam and that he had a religious duty to obey Allah and to obey His Messenger (see Doc. 17 (at P. 7)); and,

further, that per the instructions of the Prophet Muhammad he had a religious obligatory duty to keep himself free from all forms of oppression (see Id. (at Appendix T)). To wit, financial and social oppression.

Finally, the Petitioner asserted that the deprivation of his temporary court writ prisoner social status right to "free" legal postage was financially, and socially oppressive and as a result impeded and inhibited him from carrying out his religious duty to keep himself free from all forms of oppression and consequently he suffered injury therefrom (see Doc. 17 (at P. 7-12)).

The Petitioner vigorously tried to explain this to Judge Kendall in plain English but she couldn't wrap her brain around this "novel" concept in respect to stating a free exercise of religion violation claim (see Appendix J (at P. 7-9)). However, the Petitioner moves this Supreme Court to take judicial notice of the fact that in the Southern District of Illinois on August 11, 2017 he had success-

fully stated a similar financial oppression freedom of religion violation claim (see Appendix I (at P. 5) and Doc. 56 (at Appendix A (viz: P. 5))

That is to say, notwithstanding the fact that Judge Kendall couldn't understand or wrap her brain around the Petitioner's novel and innovative financial oppression freedom of religion violation claim—he nonetheless stated such a claim in his amended complaint. Which means that the Petitioner's amended complaint was erroneously dismissed and consequently could not validly serve as a premise to support the denial of his I F P motions and a finding that his appeal was not taken in good faith.

As a consequent of the foregoing, leaves no other ground for denial of the Petitioner's Motion To Proceed On Appeal *in Forma Pauperis* in the Court of Appeals—other than his indigency and inability to pay the appellate docketing fee (see Appendix B). Which

(25)

is a clear violation of the Petitioner's 28 U.S.C. § 1915 (b)(4) right not to be prohibited from bringing an appeal due to his inability to pay the partial filing fee. See 28 U.S.C. § 1915 (b)(4).

In furtherance, the standard of review in the Seventh Circuit to determine that an appeal is taken in good faith requires a court finding that a reasonable person would suppose that the appeal has "some" merit. See Walker v. O'Brien, 216 F.3d 626 (at 632) (7th Cir. 2000). Each of the Petitioner's three claims of error meet the requirement of this standard of review.

In particular, the first claim of error of the Petitioner's I.F.P. motions was that Judge Zagel abused his discretion for sitting in judgment of himself on the Petitioner's Motion For Substitution Of Judge (see Doc. 56 (at P. 3)). On April 13, 2016 in his S.O.J. motion the Petitioner alleged that Judge Zagel was bias against him

due to him not having a law license and his socio-economic status as a pro se litigant (see Doc. 15). On May 16, 2016 Judge Zagel sat in judgment of himself and denied the Petitioner's S.O.J. motion (see Doc. 19). The U.S. Supreme Court has established as a rule of law that when a S.O.J. motion is filed the presiding judge must proceed no further, therein, but another judge shall be assigned to hear the motion. See U.S. v. Grinnell, 86 S. Ct. 1698 (at 1710) (see Footnote 12+13). Thus, by Judge Zagel violating the federal law regarding S.O.J. motion procedures and the Petitioner suffering the prejudice of being deprived of a fair tribunal and getting his S.O.J. motion denied clearly suggest to a reasonable person that the Petitioner's appeal has "some" merit. And this Supreme Court must take judicial notice of the fact that there is an ongoing problem in Illinois with federal judges sitting in judgment of themselves on S.O.J. motions (see U.S. Supreme Court Case No.

18-5792 (at P. 10-21)).

The Petitioner's second claim of error was that Judge Kendall abused her discretion for dismissing the Petitioner's amended complaint for failure to state a claim and failure to fully disclose his litigation history (see Doc. 56 (at P. 3-4)). These grounds of dismissal by Judge Kendall were not supported by the record, *supra* (at P. 18-25) — which tends to indicate that the Petitioner adequately stated in his amended complaint a valid: 1) denial of access to the courts violation claim, 2) a novel financial oppression freedom of religion violation claim, and 3) an equal protection of the law violation claim.

A complaint is plausible on its face "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the de-

pendant is liable for the misconduct alleged. See Ashcroft v. Iqbal, 556 U.S. 662 (at 678).

Said three claims were squarely, fairly, and successfully stated from a factual standpoint in the Petitioner's first amended complaint, *supra* (at P. 21-25). Thus, the Petitioner's second claim of error (*viz*: Judge Kendall abused her discretion for the dismissal of his 1983 complaint) satisfied the federal law and the Seventh Circuit's standard of review that a reasonable person would suppose that the appeal has "some" merit — when taking the allegations of his ¹⁹⁸³ claims as true and holding his pro se complaint to less stringent standards than a lawyer is held to. See Walker v. O'Brien, 216 F.3d 626 (at 632) (7th Cir. 2000). See also Haines v. Kerner, 92 S.Ct. 594 (at 596).

Finally, the Petitioner's third claim of error

also passes muster of the "some" merit test. On being specific, there was merit to his claim of error that Judge Kendall abused her discretion for failing to recruit counsel for the Petitioner a third time because he had a procedural and substantive due process of law entitlement to counsel after it was found and ordered that he did not possess the wherewithal to amend a complaint pro se and needed the guiding hand of counsel in order to do so by two federal judges (viz: Zagel + Reagan) — and because Judge Kendall reversed Judge Zagel aforesaid finding and order with no factual basis for support.

First and foremost, said claim of error had merit solely because its factual posture and nature presented a claim of first impression of constitutional magnitude when considering Judge Zagel found that the Petitioner couldn't litigate his own case (see Appendix F).

See Hatfield v. Bailleaux, 290 F.2d 632 (at 635) (9th Cir. 1961) (Indigent state prisoners are not entitled to court appointed counsel unless under the circumstances of the particular case this is required in order to attain due process of law.).

Second, on August 16, 2017 Judge Kendall off of insufficient facts reversed Judge Zagel's finding of fact that the Petitioner suffered from an inability to litigate his own case (see Appendix J (at P. 9-12)). In so doing Judge Kendall violated the law of the case doctrine a second time and the Petitioner's novel constitutional entitlement to recruited counsel. (See P. 19-20 above). See Brengettey v. Horton, 423 F.3d 674 (at 680) (7th Cir. 2005). See also e.g., Smith v. Bennett, 81 S. Ct. 895 (at 898) (When right to counsel is not required but nevertheless afforded to a pro se party, it must be ensured that it is not withdrawn in a manner inconsistent with equal protection and due

process.). Thus, on this ground alone a reasonable person could suppose that there is some merit to the Petitioner's appeal.

Third, recruited counsel should have been re-appointed because the Petitioner attested on the record that recruited counsel Doherty didn't explore with him his equal protection of the law violation claim (see Appendix J (at P. 10)). A claim that Judge Kendall acknowledged on the record (see *Id.* (at P. 9)). Thus, the Petitioner's third claim of error that Judge Kendall abused her discretion for not recruiting counsel a third time has "some" merit.

What is more, the conflict at issue with both recruited counsels were their inability or unwillingness to raise or see the merit in the Petitioner's novel financial oppression freedom of religion violation claim — notwithstanding the fact that the Peti-

tioner expressed to them during phone conferences that he was raising such a similar claim in the Southern District of Illinois (see Appendix I (at P.5); Doc. 28, 29, 41, and 43; and Appendix J (at P.10-11)).

And, equally important, due to Judge Kendall's inability to see the novelty and merit of the same gives credence to the merits of the Petitioner's failure to recruit counsel a third time claim of error because the very claim that Judge Kendall and the Petitioner's two recruited counsels couldn't see—— he had successfully stated/raised that claim (viz: Financial oppression) through counsel in the Southern District of Illinois (see Appendix I (at P.5)). Which rational deduction dictates that he could state that very same claim in the Northern District of Illinois. Thus, in light of the foregoing a reasonable person would suppose that the Petitioner's appeal has

some merit concerning his third claim of error regarding Judge Kendall's failure to recruit counsel a third time——when considering Judge Zagel found that the Petitioner couldn't litigate his case on his own. See Hatfield v. Bailleaux, 290 F.2d 632 (at 635) (9th Cir. 1961). (Indigent state prisoners are not entitled to court appointed counsel unless under the circumstances of the particular case this is required in order to attain due process of law.) See also Walker v. O'Brien, 216 F.3d 626 (at 632) (7th Cir. 2000).

In paramount, the Petitioner had clearly given the Court of Appeals For The Seventh Circuit adequate reasons to doubt Judge Kendall's conclusion that his appeal was not taken in good faith when considering the above——and notwithstanding the fact that the Petitioner didn't receive a copy of

Judge Kendall's January 2, 2018 IFP denial order (see Appendix K). See Newlin v. Helman, 123 F.2d 429 (at 433) (7th Cir. 1997) ("an appellant must give either the district judge or us a reason to doubt the district judge's conclusion.").

With it established that the Petitioner's three claims of error passed the "some" merit test and that Judge Kendall's October 11, 2017 dismissal order of his amended complaint didn't support the denial of his IFP motion and the conclusion that his appeal was not taken in good faith illustrates that he was deprived of his right to an appeal due to his indigency and that he was undeservedly given a 28 U.S.C. § 1915(g) strike.

Therefore, this Supreme Court must grant certiorari to revisit its Griffin v. Illinois holding.

and extend it to cover and protect indigent pro se litigants who are erroneously denied their right to an appeal due to their indigency and inability to pay the appellate docketing fee in whole or in part under the guise that their appeal is not taken in good faith: Because the Seventh Circuit's I F P denial order conflicts with Ashcroft v. Iqbal and Griffin v. Illinois. See S. Ct. Rule 10(c).

In being specific, this Supreme Court must fashion a comprehensive 28 U.S.C. § 1915(a)(3) test to guide the lower courts in determining if an appeal is not taken in good faith before depriving an indigent party of his right to an appeal by: 1) all claims of error — with the exception of claims of first impression — must be incapable of being briefed due to the facts of the claim of error and relevant case law compatibility (with each other) are too remote: i.e.,

there is no positive or negative case law that reasonably support the claim of error; and 2) basing rulings to deny an I F P motion must be done off uncontroverted facts cited from the record: viz, because the denial of an I F P motion is an appealable issue.

Finally, due to the broad relevance and high stakes and interest that the Petitioner and pro se litigants across the Nation have in protecting their 28 U.S.C. § 1915(b)(4) right to proceed on appeal in forma pauperis mandates that certiorari be granted because a greater portion of pro se parties are indigent prisoners.

Conclusion

In sum, as articulated above, the issue(s)

before this Supreme Court with its supporting evidence demands that: 1) the request for certiorari be granted; 2) the Petitioner's third claim of error regarding recruited counsel not being re-appointed be certified as a novel constitutional question of law to be answered by the Court of Appeals; 3) reverse the 1915 (g) strike he received; 4) the Petitioner's novel financial oppression freedom of religion violation claim be certified as stating a claim; 5) appoint appellate recruited counsel; and 6) his case be sent back with detailed instructions.

Date: Sept. 11, 2018.

Marlon L. Watford

Marlon L. Watford #R-15678

Menard Correctional Ctr.

P.O. Box 1000 (N. Uppers 7-08)

Menard, IL 62259

Signed under 28 U.S.C. § 1746 / 18 U.S.C. § 1621.

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