

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Appendix A
(1 of 2)

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

Submitted October 29, 2018

Decided October 30, 2018

Before

DIANE P. WOOD, *Chief Judge*

DIANE S. SYKES, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 18-3311	IN RE: ANDREW J. JOHNSTON, Petitioner
Petition for Writ of Mandamus	
District Court No: 1:17-cr-00517-1 District Judge Rebecca R. Pallmeyer	

The following is before the court:

1. **PETITION FOR WRIT OF MANDAMUS**, filed on October 26, 2018, by the pro se petitioner.
2. **APPELLANT'S JURISDICTIONAL MEMORANDUM**, filed on October 29, 2018, by the pro se appellant.
3. **MOTION FOR RELEASE FROM CUSTODY PENDING TRIAL AND MEMORANDUM OF LAW**, filed on October 29, 2018, by the pro se appellant,

IT IS ORDERED that the petition for writ of mandamus is **DENIED**. Petitioner Andrew Johnston has filed three petitions for writ of mandamus with this court in the last year. Further frivolous filings may result in the imposition of sanctions and a filing bar.

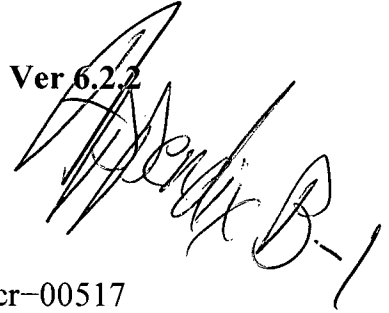
- over -

No. 18-3311

Appendix A
Page 2
(2 of 2)

IT IS FURTHER ORDERED that the motion for release pending trial is
DENIED.

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2
Eastern Division**



UNITED STATES OF AMERICA

Plaintiff,

v.

Case No.: 1:17-cr-00517

Honorable Rebecca R. Pallmeyer

Andrew Johnston

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, November 29, 2018:

MINUTE entry before the Honorable Rebecca R. Pallmeyer: Defendant Johnston's motion for reconsideration [261] is denied. The government will be expected to prove, as a matter of fact, that the deposits of the Byline Bank are covered by federal insurance. The court stands by its determination, explained in an earlier ruling [153], that there was probable cause for Defendant's arrest. The court declines to order the Marshals Service to serve subpoenas absent a showing that standby counsel is unable to serve them. In fact, standby counsel reported in open court that he has served subpoenas by certified mail. Defendant is free to file motions to compel compliance with any subpoena that has been properly served, but for which there was no timely response. Defendant is free to submit additional evidence for the court's review. Trial date of 1/8/2019 stands. Mailed notice (mw,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2
Eastern Division**

UNITED STATES OF AMERICA

Plaintiff,

v.

Andrew Johnston

Defendant.

Case No.: 1:17-cr-00517
Honorable Rebecca R. Pallmeyer

Appendix B-2

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, November 29, 2018:

MINUTE entry before the Honorable Rebecca R. Pallmeyer as to Andrew Johnston: Defendant Johnston has moved for production of transcripts from several hearings. Mr. Johnston is directed to order copies of relevant transcripts from the court reporter, Ms. Frances Ward, and pay the relevant fees. The motion [262] is terminated without prejudice to such requests. Mailed notice (mw,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

Appendix B-3

FROM: Johnston, Samantha C
TO: 22712424
SUBJECT: 517
DATE: 11/28/2018 01:36:12 PM

1.) NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, November 26, 2018:
MINUTE entry before the Honorable Rebecca R. Pallmeyer: as to Andrew Johnston: Status hearing held on 11/26/2018. Motion to disqualify [242] is denied; a party's disagreement with the court's rulings does not support disqualification of the judge. Motion for hearing on second motion to quash [251], and motion to supplement [257] are denied for the reasons stated in open court. Defendant's motion for reconsideration [159] is denied, as Defendant has offered no sufficient basis to revisit the court's previous determinations. Motion to dismiss for Rule 16 violations [253] is denied. Defendant has presented no basis for a conclusion that the government's disclosure is incomplete. Defendant has moved to dismiss [252] on the basis that his subpoenas have not been complied with. This motion also is denied, as Defendant has offered no basis for his apparent assumption that the court has interfered with service of his subpoenas, or that the fact that they have not yet been complied with is a basis for dismissal. The court is unable to order compliance on the part of subpoena respondents who have not yet been served, nor is the court responsible for service of those subpoenas. The court encourages Defendant to request assistance with service of subpoenas from standby counsel. Status hearing set for 11/29/2018 at 9:30 AM to confirm that this request has been communicated effectively. In the interest of justice, and for plea negotiations, order excludable time to continue pursuant to 18:3161(h)(7)(A)(B) to the date of trial (January 8, 2019). Mailed notice. (etv,)

2.) The following transaction was entered by McQuaid, Matthew on 11/28/2018 at 12:05 PM CST and filed on 11/28/2018
Case Name:USA v. JohnstonCase Number:1:17-cr-00517Filer:Dft No. 1 - Andrew JohnstonDocument Number:261

Docket Text:

MOTION by Andrew Johnston for reconsideration re order on motion for hearing,,,,,, order on motion to dismiss,,,,,, order on motion to continue,,,,,, order on motion to supplement,,,,,, order on motion for reconsideration,,,,,, order on motion to disqualify,,,,,, status hearing,,,,,, set/reset hearings,,,,,, [260] pro se (McQuaid, Matthew)

Appendix C

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

November 26, 2018

Before

DIANE P. WOOD, *Chief Judge*

DIANE S. SYKES, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 18-3311

IN RE:

ANDREW J. JOHNSTON,
Petitioner.

Appeal from the
United States District Court
for the Northern District of Illinois,
Eastern Division.

No. 1:17-cr-00517-1

Rebecca R. Pallmeyer,
Judge.

ORDER

On consideration of the petition for rehearing and for rehearing en banc, no judge in active service has requested a vote on the petition for rehearing en banc, and all of the judges on the original panel have voted to deny rehearing. It is therefore ordered that the petition for rehearing and for rehearing en banc is **DENIED**.

Appendix E-1
(1 of 2)

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

United States of America)

v.)

ANDREW JOHNSTON)

Defendant)

Case No. 17 CR 517-1

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Illinois Secretary of State, Executive Counsel
17 North State Street, Suite 1179
Chicago, Illinois 60602

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: Dirksen Federal Building 219 S. Dearborn Chicago, IL 60604	Courtroom No.: 2141 Date and Time: 10/23/2018 9:00 am
---	--

You must also bring with you the following documents, electronically stored information, or objects *(blank if not applicable)*:

YOU ARE COMMANDED TO PRODUCE any and all insurance policy/contracts for insurance coverage pursuant to 215 ILCS 5/et seq. between the Byline Bank, 180 North LaSalle Street, Chicago, Illinois 60601 and the Federal Deposit Insurance Corporation ("FDIC"), on file with the Illinois Secretary of State in July 2017. If no such insurance policy and/or contracts for insurance coverage were on file in July 2017, please respond accordingly under the penalty of perjury. You must produce the evidence described in the United States District Court for the Northern District of Illinois at 219 South Dearborn Street, Room 2140, Chicago, Illinois 60604, on October 23, 2018 at 9:00am.

(SEAL)

Date: **OCT - 9 2018**

THOMAS G. BRUTON

CLERK OF COURT

Patricia Jarecek
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* Andrew Johnston, pro se
who requests this subpoena, are:

Andrew Johnston Metropolitan Correctional Center
71 West Van Buren
Chicago, Illinois 60605

Matthew McQuaid, standby counsel
matt@mcquaidlawgroup.com

Case No. 17 CR 517-1

Appendix E-1
(2 of 2)

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:



Appendix E-2

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

November 8, 2018

Andrew Johnston
Metropolitan Correctional Center
71 West Van Buren
Chicago, IL 60605

Dear Mr. Johnston:

On November 1, 2018, the office of the Illinois Secretary of State received your Subpoena dated October 9, 2018.

Please be advised that we have searched our files and were unable to locate any documents requested in your Subpoena.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna M. Leonard".

Donna M. Leonard
Executive Counsel

cc: Matthew McQuaid
Standby Counsel
Kopecky Schumacher Rosenberg, PC

Appendix E-3
(1 of 3)

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

United States of America)

v.)

ANDREW JOHNSTON)

Defendant)

Case No. 17 CR 517-1

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: AT&T Wireless, Subpoena Compliance Center
11760 U.S. Highway 1, Suite 600
North Palm Beach, Florida 33408

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: Dirksen Federal Building 219 S. Dearborn Chicago, IL 60604	Courtroom No.: 2141
	Date and Time: 10/23/2018 9:00 am

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

YOU ARE ORDERED TO PRODUCE all original records of historical cell site location information reflecting the cell tower and antenna face at the start and end of each call, text message, and data transaction, including per call measurement data ("PCMD"), evolution data optimized ("EVDO"), Internet protocol detail record ("IPDR"), range-to-tower ("RTT") and tower distance information for the cell phone number (312) 259-9236 between July 23-26, 2017.

(SEE ADDENDUM, PAGE 2 OF SUBPOENA)

(SEAL)

Date: **OCT - 9 2018**

THOMAS G. BRUTON
CLERK OF COURT

Patricia J. Farnick
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) Andrew Johnston, pro se, who requests this subpoena, are:

Andrew Johnston Metropolitan Correctional Center
71 West Van Buren
Chicago, Illinois 60605

Matthew McQuaid, standby counsel
matt@mcquaidlawgroup.com

ADDENDUM

Appendix E-3
(2 of 3)

YOU ARE ORDERED TO PRODUCE all original records of historical cell site location information reflecting the cell tower and antenna face at the start and end of each call, text message, and data transaction, including per call measurement data ("PCMD"), evolution data optimized ("EVDO"), Internet protocol detail record ("IPDR"), range-to-tower ("RTT") and tower distance information for the cell phone number (312) 259-9236 between July 23-26, 2017. Also, please provide all original records of all (federal/state) law enforcement of all access provided to such law enforcement, all inquiries/requests by such law enforcement, the frequency such access provided to such law enforcement, and what specific access and or activity law enforcement had with cell phone number (312) 259-9236 between April 29, 2017 and August 1, 2017. You must produce the evidence described in the United States District Court for the Northern District of Illinois, at 219 South Dearborn Street, Room 2140, Chicago, Illinois 60604 on October 23, 2018, at 9:00am.

Appendix E-3
(3 of 3)

Case No. 17 CR 517-1

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Appendix E-4
(1 of 2)

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

United States of America)

v.)

Case No. 17 CR 517-1

ANDREW JOHNSTON)

Defendant)

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Byline Bank
180 North LaSalle Street
Chicago, Illinois 60601

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: Dirksen Federal Building 219 S. Dearborn Chicago, IL 60604	Courtroom No.: 2141 Date and Time: 10/23/2018 9:00 am
---	--

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

YOU ARE COMMANDED TO PRODUCE all original audio and video surveillance footage from all security cameras and directional microphones posted at the Byline Bank (Harwood Heights Branch on North Harlem Avenue) on July 25, 2017 between 4:30pm - 5:30pm. You must produce the evidence described in the United States District Court for the Northern District of Illinois, at 219 South Dearborn Street, Room 2140, Chicago, Illinois 60604, on October 23, 2018, at 9:00am.

(SEAL)

Date: **OCT - 9 2018**

THOMAS G. BRUTON

CLERK OF COURT

Patricia J. Jurecek
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) Andrew Johnston, pro se, who requests this subpoena, are:

Andrew Johnston Metropolitan Correctional Center
71 West Van Buren
Chicago, Illinois 60605

Matthew McQuaid, standby counsel
matt@mcquaidlawgroup.com

Case No. 17 CR 517-1

PROOF OF SERVICE

Appendix E-4
(2 of 2)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Appendix E-5
(1 of 2)

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

United States of America

v.

ANDREW JOHNSTON

Defendant

Case No. 17 CR 517-1

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Byline Bank
180 North LaSalle Street
Chicago, Illinois 60601

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: Dirksen Federal Building 219 S. Dearborn Chicago, IL 60604	Courtroom No.: 2141
	Date and Time: 10/23/2018 9:00 am

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

YOU ARE COMMANDED TO PRODUCE any and all records of banking transactions from the Byline Bank (Harwood Heights branch) made by Michael Scott Muir on July 25, 2017 from the drive-up window between 4:30pm-5:30pm in the presence of bank tellers Vanessa Nevarez and Sharon Byrne. If no such records exist, please respond in writing accordingly under the penalty of perjury. You must produce the evidence described in the United States District Court for the Northern District of Illinois at 219 South Dearborn Street, Room 2140, Chicago, Illinois 60604, on October 23, 2018 at 9:00am.

(SEAL)

Date: **OCT - 9 2018**

THOMAS G. BRUTON

CLERK OF COURT

Patricia J. Jancik
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) Andrew Johnston, pro se, who requests this subpoena, are:

Andrew Johnston Metropolitan Correctional Center
71 West Van Buren
Chicago, Illinois 60605

Matthew McQuaid, standby counsel
matt@mcquaidlawgroup.com

Case No. 17 CR 517-1

PROOF OF SERVICE

Appendix E-5
(2 of 2)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows:

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Appendix E-6

(1 of 2)

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

United States of America)

v.)

ANDREW JOHNSTON)

Defendant)

Case No. 17 CR 517-1

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Netcom Inc.
499 Wheeling Road
Wheeling, Illinois 60090

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: Dirksen Federal Building 219 S. Dearborn Chicago, IL 60604	Courtroom No.: 2141
	Date and Time: 10/23/2018 9:00 am

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

YOU ARE COMMANDED TO PRODUCE all original/unaltered voice-over-internet-provider digitally recorded communications on operative Netcom frequencies (radio chatter) between all federal and state law enforcement agencies between 4:30pm-5:30pm in a ten square miles radius from the intersection of Irving Park Road(IL19) and Cumberland Avenue(IL171) on July 25, 2017 for use as evidence in the case of United States v. Andrew Johnston. You must produce the evidence described in the United States District Court for the Northern District of Illinois, at 219 South Dearborn Street, Room 2140, Chicago, Illinois 60604, on October 23, 2018 at 9:00am.

(SEAL)

Date: **OCT - 9 2018**

THOMAS G. BRUTON

CLERK OF COURT

Patricia Sarecek
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) Andrew Johnston, pro se, who requests this subpoena, are:

Andrew Johnston Metropolitan Correctional Center
71 West Van Buren
Chicago, Illinois 60605

Matthew McQuaid, standby counsel
matt@mcquaidlawgroup.com

Case No. 17 CR 517-1

PROOF OF SERVICE

Appendix E-6
(2 of 2)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows:

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Appendix E-7
(1 of 2)

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

United States of America)

v.)

ANDREW JOHNSTON)

Defendant)

Case No. 17 CR 517-1

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Ultimate Stone Inc.
820 Greenleaf Avenue
Elk Grove Village, Illinois 60007

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: Dirksen Federal Building 219 S. Dearborn Chicago, IL 60604	Courtroom No.: 2141
	Date and Time: 10/23/2018 9:00 am

You must also bring with you the following documents, electronically stored information, or objects (blank if not applicable):

YOU ARE COMMANDED TO PRODUCE all video surveillance footage between 8:30am-9:30am; 11:30am-12:30pm; and 2:30pm-3:30pm from all video surveillance cameras posted in the production area (shop) and rear parking area. You must produce the evidence described in the United States District Court for the Northern District of Illinois, at 219 South Dearborn Street, Room 2140, Chicago, Illinois 60604, on October 23, 2018, at 9:00am.

(SEAL)

Date: **OCT - 9 2018**

THOMAS G. BRUTON

CLERK OF COURT

Patrycja Puzanek
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) Andrew Johnston, pro se, who requests this subpoena, are:

Andrew Johnston Metropolitan Correctional Center
71 West Van Buren
Chicago, Illinois 60605

Matthew McQuaid, standby counsel
matt@mcquaidlawgroup.com

Case No. 17 CR 517-1

PROOF OF SERVICE

Appendix E-7
(2 of 2)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

Appendix J

November 13, 2018

Andrew Johnston
22712-424
Metropolitan Correctional Center
71 West Van Buren Street 25I
Chicago, IL 60605

RE: In Re Johnston

Dear Johnston:

The above-entitled petition for an extraordinary writ of mandamus was received on November 6, 2018. The papers are returned for the following reason(s):

No motion for leave to proceed in forma pauperis, signed by the petitioner or by counsel, is attached. Rules 33.2(a) and 39.

No notarized affidavit or declaration of indigency is attached. Rule 39. You may use the enclosed form.

The petition does not follow the form prescribed by Rule 14 as required by Rule 20.2.

The petition does not show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.

You have not appended a copy of the judgment or order in respect of which the writ is sought. Rule 20.3 pertaining to petitions for writs of prohibition and mandamus.

A copy of the corrected petition must be served on opposing counsel.

A copy of the rules of this Court are enclosed.

Sincerely,
Scott S. Harris, Clerk
By:

J. Levitan
Jacob Levitan
(202) 479-3392

Enclosures