No. 18-8423

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

In re Willie White — PETITIONER
(Your Name)

vs.

Justine Hammers — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Seventh Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Willie White
(Your Name)

P.O. Box 999
(Address)

Canton, Illinois 61520
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

(1) Once Respondent failed to reply to the court orders on October 26,2017, should the application have been granted via 28 U.S.C. § 2248.

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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OTHER

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix 1 to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix 2 to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[ ] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was October 29, 2018.

[X] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts:**

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment [V] Capital crimes;double jeopardy;selfincrimination; due process;just compensation for property

No person shall be held to answer for a capital,or otherwise infamous crime,unless on a presentment or indictment of a Grand Jury,except in cases arising in the land or naval forces,or in the Militia,when in actual service in time of War or public danger, nor shall any person be subject for the same offence to be twice put in jeopardy of life,liberty,or property,without due process of law;nor shall private property be taken for public use,without just compensation.

Amendment [VI] Jury trial for crimes,and procedural rights

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed,which district shall have been previously ascertained by law,and to be informed of the nature and cause of the accusation;to be confronted with the witnesses against him;to have compulsory process for obtaining witnesses in his favor,and to have the Assistance of Counsel for his dence.

Amendment [XIV]§ 1. Citizenship rights not to be abridged by states

Section 1. All persons born or naturalized in the United States,and subject to the jurisdiction thereof,are citizens of the United States and of the States wherein they reside.No State shall make or enforce any law which 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.

28 U.S.C.§ 2241, Power to grant writ(d)(3),(d)

He is in custody in violation of the Constitution or laws or treaties of the United States.

(d) Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts,the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and eachof such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

28 U.S.C.§ 2243 Issuance of writ,return,hearing,decision

A court,justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted,unless it appears from the application that the applicant or person detained is not entitled thereto.

745 ILCS 10/8-101(24) Malicious prosecution paragraph (5)

Criminal proceeding against arrestee terminated, causing arrestee's action against city for malicious to accrue and one year statute of limitations to begin to run,when statutory speedy - trial period expired,rather than when circuit court entered order stricking complaint against arrestee with leave to reinstate; expiration of statutory speedy-trial period marked such time as State was precluded from seeking reinstatment of charges.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

725 ILCS 5/103-5 Speedy Trial

(a) Every person in custody in the State for an alleged offense shall be tried by the court having jurisdiction within 120 days from the date he was taken into custody unless delay is occasioned by the defendant.

(d) Every person not tried in accordance with subsectios (a),(b),and (c) of this Section shall be discharged from custody or released from the obligations of his bail or recognizance.

28 U.S.C. 2248 Return or answer: conclusiveness

The allegations of a return to the writ of habeas corpus or of an answer to an order to show cause in a habeas corpus proceeding,if not traversed,shall be accepted as true except to the extent that the judge finds from the evidence that they are not true.

STATEMENT OF THE CASE

Petitioner was arrested on August 17,1982 by the Chicago, Illinois Police Department on the charge of murder.At the time he was being held at the Metropolitan Correctional Center in Chicago on an unrelated charge.A Cook County Circuit Court Judge issued a Writ of Habeas Corpus demanding that petitioner be brought before the court to answer to the charge of murder.After entering a plea of not guilty,petitioner was returned to the federal holding center.

725 ILCS 5/103-5 (a,d) Speedy Trial Act:

(a) Every person in custody in this State for an alleged offense shall be tried by the court having jurisdiction within 120 days from the date he was taken into custody unless delay is occasioned by the defendant.

(d)Every person not tried in accordence with subsections (a),(b),(c),of this Section shall be discharged from custody or released from the obligation of his bail or recogizance.

On September 9,1982 the case 82-c-7620 was "Stricken With Leave to Reinstate" (S O L'd).

745 ILCS 10/8-101 Civil Immunities,Section (24) Malicious Prosecution,Paragraph (5) Criminal proceeding against arrestee terminated causing arrestee's action against city for malicious prosecution to accrue,and one year statute of limitation to begin to run,when statutory speedy trial period expired,rather than when circuit court entered order stricking complaint against arrestee with leave to reinstate: expiration of statutory speedy trial period marked such time as the State was precluded from seeking reinstatment of charges.Ferguson v. City of Chicago,2004,289 Ill.Dec.679,213]11.2d 94.

July 26,1983 the case 82-c-7620 was reinstated and the Cook County Public Defenders Office was appointed to the case.

Constitution Of The United State

Amendment[5]

STATEMENT OF THE CASE

Capital crimes : double jeopardy: self incrimination: due process:just compensation for property.

No person shall be held to answer for a capital,or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War,or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself nor be deprived of life liberty or property without due process of law;nor shall private property be taken for public use,without just compensation.

Amendment [6]

Jury trial for crimes, and procedural rights.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial,by an impartial jury of the State and district wherein the crime shall have been committed which district shall have been previously ascertained by law,and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor,and to have the Assistance of Counsel for his defence.

Amendment [14]

Section 1, citizenship rights not to be abridged by states

Section 1,All persons born or naturalized in the United States, and subject to the jurisdiction thereof,are citizens of the United States and of the State wherein they reside. 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.

The statutory laws and the Amendments to the United States Constitution show that petitioners rights have been violated,voiding the murder conviction.Both have

been part of jurisprudence in the State of Illinois prior to petitioners arrest on August 17,1982, and they remain an active part of jurisprudence today.I request that this Honorable Court apply the laws and amendments to the petition at bar.

Cooper v Aaron,358 U.S.1,78 S.Ct.1401

Head note (7)Constitutional law key, Applicability to Governmental or Private Action:State Action

Prohibitions of Fourteenth Amendment extend to all actions of state denying equal protection of the laws,whatever state agency takes the action or whatever the guise inwhich it is taken.

The controlling legal principles are plain.The command of the Fourteenth Amendment is that no "State"shall deny to any person within its jurisdiction the equal protection of the laws.A State acts by its Legislative,its executive,or its judicial authorities. It can act in no other way. The constitutional provision therefore, must mean that no agency of the State,or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government***denies or takes away the equal protection of the laws violates the constitutional inhibition and as he acts in the name of the State,and is clothed with the States power, his act is that of the State.This must be so,or the constitutional prohibition has no meaning.Ex parte Virginia,100 U.S.339,347,25 L.Ed.676.Thus the prohibitions of the Fourteenth Amendment extend to all action of the State denying equal protection of the laws;Whatever the agency of the State taking the action.

Marshall v. Board of Ed.Bergenfield,NJ 575 F.2d 417 (1978)

Head note (1)Federal Civil Procedure Key; Void Judgments jurisdictional defects.

A judgment may be void,and therefore subject to relief under federal rule,if the court that rendered it lacked jurisdiction of the subject matter or the parties or entered "a decree which is not within the powers granted to it by the laws."

STATEMENT OF THE CASE

745 ILCS 10/8-101 Civil Immunities, Section (24) Malicious Prosecution,paragraph (5); Criminal proceeding against arrestee terminated, causing arrestee's action against city for malicious prosecution to accrue, and one year statute of limitations to begin to run, when statutory speedy trial period expired,rather than when circuit court entered order stricking complaint against arrestee with leave to reinstate; expiration of statutory speedy trial period marked such time as State was precluded from seeking reinstatment of charges.

Petitioners case 82-c-7620 was(stricken with leave to reinstate) on September 9,1982 and remained dormant until July 26,1983: 3[illegible] days, exceeding the 120 days of the Speedy-Trial Act. Therefore by operation of law the State lacked the authority to prosecute and the Court acted outside of the powers granted to it by law;causing the conviction to be void.

Jordon v. Gilligan 500 F.2d 701 (1974)

A void judgment is a legal nullity and a court considering a motion to vacate has no discretion in determining whether it should be set aside,Fed.Rules Civil Proc.rule 60 (b)U.S.C.

Rockwell Intern. Corp. v. K N D 83 F.R.D.556 (1979)

Head note(1,2) Federal Civil Procedure Key; Void judgments;jurisdictional defects.

Rule 60 (b)(4) provides the procedural rule granting relief from void judgments. Within this rule a prior judgment maybe labeled void where the court grants it without jurisdiction over the parties. In re Four Seasons Securities law litigation 502 F.2d 834 (9thCir.1974).In determining whether relief should be granted the court is without discretion; its sole function is to decide whether the earlier judgment is void because the court lacked jurisdiction over the parties.

People v. THompson, 282 Ill. Dec.183, 805 N.E.2d 1200 (Ill.2004).

Head note(4,5,)Criminal Law key 1028

A void order may be attacked at any time or in any court either directly or

collaterally. Courts have an independant duty to vacate void orders and may sua sponte declare an order void.

People v. Hillsman, 264 Ill. Dec.263,769 N.E.2d 1100(Ill.App.4th Dist.2002)

Head note 7;Criminal law key 577.16(2)

An accused is entitled to discharge if his trial begins more than 120 days after he was placed in custody, and a defendant in such a position is entitled to discharge on the day of trial. S.H.A. 725 ILCS 5/103-5(a).

Harris v. Nelson 89 S.Ct. 1082 (1969)

Head note [2,3]

The Writ of Habeas Corpus is the fundamental instrument for safe guarding individual freedom against arbitrary and laws state action.Its' pre-eminent role is recognized by the admonition in the Constitution that; "The Privilege of the Writ of Habeas Corpus shall not be suspended****U.S.Const.,Act 1 § 9,cl 2.The scope and flexibility of the writ- its capacity to reach all manner of illegal detention-its ability to cut through barriers of form and procedural mazes - have always been emphasized and jealously guarded by courts and law makers. The very nature of the writ demands that it be administered with the initiative and flexibility essential to insure that miscarriages of justice within its reach are surfaced and corrected.

Head note [7,8];

There is no higher duty of a court under our constitutional system, than the careful processing and adjudication of petitions for writ of habeas corpus,for it is in such proceedings that a person in custody charges that error,neglect,or evil purpose has resulted in his unlawful confinement and that he is deprived of his freedom contrary to law.

People v. Staten, 203 Ill.Dec.230,639 N.E.2d 550 (Ill.1994)

Head note [1-4]Statutory Construction of Speedy Trial Provision.

STATEMENT OF THE CASE

The right to a speedy trial is guaranteed by the Federal and Illinois Constitutions(U.S. Const.amends vi, xiv; Ill. Const.1970 art.1 § 8).Under the constitutional analysis whether a defendants right to a speedy trial has been violated depends on such factors as the lenght of the delay in trial, the reason for the delay,the defendants assertion of the speedy trial right,and the prejudice to the defendant caused by such delay.Barker v. Wingo (1972),407 U.S.514,530,92 S.Ct. 2182,2192,33L.Ed.2d.101,116-17). This court has recoginized that the Statutory right to a speedy trial is not the precise equivalent of the constitutional right . (E.G.,Garret,136 Ill.2d. at 223,144 Ill.Dec.234,555 N.E.2d 353;People v. Stuckey (1966),34 Ill.2d.521,216 N.E.2d 785). Proof of the violation of the statutory right requires only that the defendant has not caused or contributed to the delays.

United States Department of Justice;Federal Bureau of Investigation,Identification Division shows that on August 17,1982 petitioner was arrested by the Chicago, Illinois Police Department on the charge of murder.

Records from the Cook County Clerks Office shows that on September 9,1982 the case 82-c-7620 against petitioner was "Stricken With Leave to Reinstate"and the case remained dormant until July 26, 1983;at which time counsel was appointed to the case. At no time did petitioner cause or contribute to the delay of 342 days.Therefore, both the statutory protection of the State and the guaranteed protection of due process and equal protection provided by the United States Constitution has been violated. Thereby causing the conviction for murder to be void.

On April 10,2017 petitioner filed an application 18 U.S.C.2254 in the Federal District Court of the Northern District of Illinois case number 17-c-2724. The application set dormant for six months. Pursuant to 28 U.S.C.2241 (d) Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court,of a state which contains two or more Federal judicial districts,the application may be filed in the district court for

the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application.

On October 12,2017 using 2241(d) as authority,petitioner sent the filed copy from the Northern District Court to the Federal Central District Court (of Peoria) case number 1;17-cv-01458 JES.The application was assigned to Chief Judge James E. Shadid.He issued the following orders to the Respondent;

(2) Motion for leave to File Habeas Corpus Petition by Petitioner Willie White. Responses due by 10/26/2017 (VH,iled)(Entered;10/12/2017).

(3) Motion to Advance Habeas Corpus Petition on the Courts Docket by Petitioner Willie White. Responses due by 10/26/2017 (VH,iled)(Entered; 10/12/2017).

There has been no response to the orders of the court.

Pursuant to 28 U.S.C. 2248 Return or answer,conclusiveness.

The allegations of a return to the writ of habeas corpus or of an answer to an order to show cause in a habeas corpus proceeding ,if not traversed,shall be accepted as true except to the extent that the judge finds from the evidence that they are not true.

Petitioners application contained the following evidence;

(1) United States Department OF Justice,Federal Bureau OF Investigation,Identification Division. Which shows that on August 17,1982 petitioner was arrested by the Chicago, Illinois Police Department on the charge of murder.

(2) The docketing statment from the Cook County Clerks Office showing that on September 9,1982 the case 82-c-7620 against petitioner was "StrickenWith Leave To Reinstate"(S O L'd),and it remained dorment until July 26,1983.

Chief Judge James E. Shadid did not challenge the authenticity of the evidence presented, they are of public record.Therefore by operation of law 28 U.S.C.§2248

petitioner was to be granted the writ of habeas corpus on October 27,2017. Petitioner's right to due process of law and equal protection of the laws are being violated.

On December 5,2017 Chief Judge James E. Shadid dismissed petition 1;17-cv-01458JES because it was a successive petition; the order reads; The Court is in receipt of [1]Petitioner's § 2254 Petition,filed 10/12/2017. The Petitioner's filing is a successive §2254 petition. He already filed this same Petition in the Northern District of Illinois on 4/10/2017.(See case no. 17-2724 NDIL)." A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior applicaiton shall be dismissed." 28 U.S.C.§ 2244 (b)(1). Accordingly, the Court DISSMISSES [1],the Petitioner's petition.The Court further finde [2]Petitioner's Motion for Leave to File Habeas Corpus Petition and [3] Petitioner's Motion to Advance Habeas Corpus Petition MOOT. This matter is hereby terminated.

Chief Judge James E. Shadid illustrates exactly what petitioner has experienced.

Petitioner filed a timely application seeking a Certificate of Appealability on January 8,2018.On January 9,2018 U.S.District Court Central DIstrict of Illinois, Chief Judge James E. Shadid denied petitioner's application for a certificate of appealability.

January 8,2018 U.S.District Court Central District of Illinois,case name 1;17-cv-01458 JES Docket Text; Short Record of Appeal Sent to U.S. Court of Appeals re[7] Notice of Appeal. (VH,iled).

January 9,2018 U.S.District Court,Central District of Illinois

Docket text;

TEXT ORDER; Rule 11(a)of the Rules Governing 2254 Proceedings directs district courts to either issue or deny a certificate of appealability when entering a final order adverse to the applicant. To obtain a certificate of appealability,a

petitioner must make "a substantial showing of the denial of a constitutional right." 28 U.S.C 2253 (c)(2). Where a district court has rejected the constitutional claims on the merits,the showing required to satisfy 2253 is straight forward; The petitioner must demonstrate that reasonable jurist would find the district courts assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473,484 (2000).Given the language of 28 U.S.C.2244(b)(1),no reasonable jurist could conclude that the Petition before this Court entitles the Petitioner to relief under 2254. Accordingly, this Court will not issue a certificate of appealability. The Clerk is directed to mail the Petitioner a copy of this text order. Entered by Chief Judge James E. Shadid on 1/9/2018(RT,iled).

Chief Judge James E. Shadid dismissal of the application for relief based upon it being successive on December 5,2017;is in error. Because it was April before the Northern District Court made a determination as to the application. By operation of law the orders issued by Chief Judge James E. Shadid on October 12,2017 are valid and the results of which should be enforced as law and justice require. For the court to otherwise is to deny petitioner due process and equal protection of the of United States Constitution.

The order entered on January 9,2018 by Chief Judge James E. Shadid speaks of the merits of petitioners' claim ,but the orders' does not show how or where the documents presented as evidence in the application is false.The constitution is clear;("Amendment[xiv] Section 1. All persons born or naturalized in the United States,and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.No State shall make or enforce any law which shall abridge the privileges or immnmities 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)." Petitioner was arrested by Chicago Police on August 17,1982 on the

charge of murder.The case was "stricken with leave "on September 9,1982 and remained dormant until July 26,1983 when it was reinstated. The Cook County Public Defenders Office was appointed at that time.(725 ILCS 5/103-5(a),(d) Speedy Trial Act. (a)Every person in custody in this State for an alleged offense shall be tried by the court having jurisdiction within 120 days from the date he was taken into custody,unless delay is occasioned by the defendant. (d) Every person not tried in accordence with subsections (a)(b),(c),of this Section shall be discharged from custody or released from the obligation of his bail or recogizance.)The Constitution Of The United States, xiv Amendment is clear, the Statutory Law of the State of Illinois is clear.It is also clear that due process and equal protection according to the constitution and statutory law is being denying to this petitioner.

April 23,2018 Judge Loretta Joachim of the United States District Court,Central District of Illinois; case no; 1;17-cv-01458, White v. Hammers

Docket Text

TEXT ORDER: The Seventh Circuit has directed this Court to "proceed to a determnation[of]whether a certificate of appealability shall issue."This Court reiterates the findings from its January 9,2018 text order;"[r]ule 11(a) of Rules Governing § 2254 Proceedings directs district courts to either issue or deny a certificate of appealability when entering a final order adverse to the applicant. To obtain a certificate of appealability, a petitioner must make"a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy §2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district courts assessment of the constitutional claims debatable or wrong.Slack v.McDaniel, 529 U.S.473,484(2000). Given the language of 28 U.S.C.§ 2244(b)(1), no reasonable jurist could conclude that the

STATEMENT OF THE CASE

Petition before this Court entitles the Petitioner to relief under § 2254. Accordingly, this Court will not issue a certificate of appealability." The Clerk is directed to mail the Petitioner a copy of this text order. Entered by Chief Judge James E. Shadid on 4/23/2018.

United States Court Of Appeals, For The Seventh Circuit, Chicago; Il.60604

Submitted October 16,2018

Decided October 29,2018

Before

Joel M. Flaum, Circuit Judge

Ilana Diamond Rovner, Circuit Judge

No. 18-1056

Willie White

Petitioner -Appellant

.V.

Justin Hammers

Respondent -Appellee

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

No.17-cv-1458

James E. Shadid

Chief District Judge

ORDER

Willie White has filed a notice of appeal from the dismissal of his petition under 28 U.S.C.§ 2254 which we construe as an application for a certificate of appealability. We have reviewed the final order of the district court and the record on appeal. We find no substantial showing of the denial of a constitutional right. See 28 U.S.C.§2253 (c)(2).

We clarify, however, that White's §2254 petition was not an unauthorized successive collateral attack. White first filed an identical petition in April 2017 in the Northern District of Illinois. The petition now before us, filed in October 2017 in the Central District of Illinois, was dismissed in December 2017,

while the first was pending. Indeed, the first petition was not adjudicated until April 2018.Under these circumstances, the second petition was not"successive." See Kuhlman v. Wilson,477 U.S.436,444 n.6(1986)(regarding adjudication on the merits in prior habeas proceeding to trigger ban on successive actions).Nonetheless,dismissal was warranted because the second petition was duplicative.

Accordingly, the request for a certificate of appealability is Denied.

28 U.S.C. § 2241(d)Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

By operation of law the orders entered by Chief Judge James E. Shadid on October 12,2017 can not be disregarded.(§ 2248 Return or answer;conclusiveness; The allegations of a return to the writ of habeas corpus or of an answer to an order to show cause in a habeas corpus proceeding, if not traversed, shall be accepted as true except to the extent that the judge finds from the evidence that they are not true.)The authenticity of the following documents has not been challenged;(1)United States Department of Justice,Federal Bureau OF Investigation, Identification Division, which shows that on August 17,1982 petitioner was arrested by the Chicago,Il. Police Department on the charge of murder.(2)the docketing statment as maintained by the Cook County Clerks Office which shows that on September 9,1982 the case against petitioner 82-c-7620 was "stricken

with leave to reinstate"(S O L'd). And remained dormant until July 26,1983. Petitioner did not cause or contribute to the delay of over 300 days.Therefore petitioner by operation of law should be granted the writ.

Ferguson v. City of Chicago,211 Ill. 2d 94,820 N.E.2d 455

Head note (7) Criminal law key 303.45

An order stricking a case with leave to reinstate, while not provided for by any statute or rule, is common practice in the Circuit Court of Cook County. It is used almost exclusively in criminal cases. See People ex rel.Del Vas v. Laurin, 73 Ill.App.3d 219,222,29 Ill. Dec. 5,391 N.E.2d 164 (1979).Where a case is stricken with leave to reinstate, the matter remains undisposed of. The same charges continue to lie against the accused,albeit in a dormant state. See People v. Daniels,190 Ill. App.3d 224,226,137 Ill. Dec.700,546 N.E.2d 645 (1989).The matter may still be placed on the docket and brought to trial if there is a subsequent motion to reinstate.People v. St. John,396 Ill. 177,178,15 N.E.2d 858 (1938).Accordingly, the courts of Illinois have consistently recogized that the stricking of the charges with leave to reinstate does not terminate the proceedings against the accused.People v. Bryant,409 Ill. 467,470,100 N.E.2d 598(1951): see Khan v. America Airlines,266 Ill. App. 3d 726,732,203 Ill. Dec.171,639 N.E. 2d 210(1994).People v. Rodgers,106 Ill. App. 3d 741,745,62 Ill. Dec. 165,435 N.E.2d 963 (1982): People v. Griffin,58 Ill. App. 3d 644,646,16 Ill.Dec.256,374 N.E.2d 1031 (1978).Indeed our court has expressly held that an S O L order excludes the conclusion that the case is at an end.People v. St. John,369,Ill. at 178,15 N.E.2d 858.

On page 685 the court went on: The criminal proceedings against Ferguson did not terminate,and fergusons' malicious prosecution claim did not accrue until such time as the State was precluded from seeking reinstatement of the charges. That period was marked by the expiration of the statutory speedy trial period.As noted

at the outset of this opinion Fergusons' lawyer made a speedy trial demand immediately after the charges were S O L'd on August 25,2000. The State had 160 days from that time to bring him to trial.

Petitioner was arrested August 17,1982 by operation of law 725 ILCS 5/103-5(a) the demand for trial was made automaticly.

Evitts v. Lucey, 105 S.Ct.830 (1985).

In short, when a state opts to act in a field where its actions has significant discretionary elements, it must none the less act in accord with the Due Process Clause.

Mitchell v. Keenan,858 F.Supp.105 (N.D.Illinois 1994).

Head note (3) Criminal law key 577.14

Though cases which have been stricken off call with leave to reinstate (S O L) under Illinois law may apparently, indefinitely toll state statute of limitations, they did not indefinitely toll the state Speedy Trial Act, and any prosecution attempt to reinstate case dismissed S O L after the 160 day time period has run violates the Act.S.H.A. 725 ILCS 5/103-5.

Head note (4)Criminal law key 577.10 (10)

It is apparent that the State of Illinois intended to statutorily provide protection for each Defendant entitled to a trial under the United States Constitution.

REASONS FOR GRANTING THE PETITION

The Constitution of the United States: Amendment [5] Capital crimes, double jeopardy: self incrimination: due process: just compensation for property:

Amendment [VI] Jury trial for crimes, and procedural rights

Amendment [XIV] § 1 Citizenship rights not to be abridged by states.

The constitution makes clear that every citizen regardless of their station in society is to be protected. This Honorable Court has affirmed and reaffirmed those guaranteed protections. Petitioner is here today because the lower courts refuse adhere to the rulings of this court in regards to that protection. Cooper v. Aaron, 358 U.S.1,78 S.Ct.1401, Evitts v. Lucey, 105 S.Ct.830 (1985).

Petitioner was arrested by the Chicago, Illinois Police Department on August 17,1982 on the charge of murder(at the time I was being held in federal detention). Taken before a judge and entered a plea of not guilty. On September 9,1982 the case 82-c-7620 was S.O L'd. The matter remained dormant until July 26,1983, at which time it was reinstated and counsel was appointed. The following statutes attach: 725 ILCS 5/103-5 (a,d) Speedy Trial Act., 745 ILCS 10/8 -101 Civil Immunities; (24) Malicious prosecution. The demand for trial was made automaticly upon arrest. The State had 120 days inwhich to prosecute. There was over 300 days between the time of arrest and the time of reinstatement of the case. The statutes are clear as to the protection provided. To say that neither the judge, states attorney or the counsel appointed to the case is familiar with the statutes involved: is not possible. Therefore an agreement had to have been reached to proceed to prosecution. Petitioner after a bench trial was found guilty on two counts of murder in 1984, and sentenced to 60 years consecutive to the federal sentence.

REASON FOR GRANTING THE PETITION

The agreement which involved the triangle of the State justice system in the violation of the statutory laws and the Constitution of the United States: extends to the Federal Courts.

On October 12,2017 an application was filed in the Federal District Court, Central District of Illinois(Peoria). The matter was assigned to Chief Judge James E. Shadid. The judge ordered that the Respondent respond to the filing by October 26,2017. Respondent did not file a reply by that date.By operation of law 28 U.S.C § 2248 was in effect,and the application granted. Instead, on November 17,2017 after going over prisoners trust fund ledger that the $5.00 fee had not been paid.Petitioner provided receipt number and the name of the clerk. On December 5,2017 the application was dismissed, as being successive. MOOTING all orders.The agreement to ignore all statutory laws and the Federal Constitution in dealing with this petitioner: is now in effect in the Federal District Court.

On October 29,2018 the UNITED STATES COURT OF APPEALS: For the Seventh Circuit; before Joel M. Flaum, Circuit Judge; Ilana Diamond Rovner,Circuit Judge;, denied the Certificate of appealability in case 17-cv-1458. Finding no substantial denial of a constitutional right.However, the court determined that the application was not a successive one.Duplicative.

The Court did not provide a United States Code for the finding of duplicative. 28 U.S.C.§ 2241(d) would be the controling subsection because it allows for such filings.By agreement laws,statutes,the constitution is not applied in this case.

Relief should be granted because the law requires it.Other courts have denied the existence of the laws which exonerates petitioner since July 26,1983.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Willie White

Date: January 25, 2019

AFFIDAVIT OF AFFIRMATION UNDER PENALTY OF PERJURY

I, Willie White, affiant, do hereby declare and affirm under penalty of perjury as defined in 735 ILCS 5/1-109 that everything contained herein is true and accurate to the best of my knowledge and belief. I further declare and affirm that the contents of the foregoing documents are known to me and are accurate to the best of my knowledge and belief. Petition for Certiorari contains 4,700 words

Signed on this 25 day of January, 2019.

Willie White
Affiant

Subscribed and sworn to before me this 25th day of January, 2019.
Jill B Freeman
Notary Public

OFFICIAL SEAL
JILL B. FREEMAN
Notary Public - State of Illinois
My Commission Expires 9/07/2021

Any pleading, affidavit or other document certified in accordance with 735 ILCS 5/1-109 may be used in the same manner and with the same force and effect as though subscribed and sworn to under oath.

Any person who makes a false statement, material to the issue or point in question, which he does not believe to be true, in any pleading, affidavit or other document certified by such person in accordance with this Section shall be guilty of a Class 3 felony.