

Application for Bail

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OFFICE OF THE C
SUPREME COURT

Petitioner respectfully applies for bail in light
of the following particulars:

1. On April 16, 2019, petitioner filed a motion for release pending appeal pursuant to 18 U.S.C. § 3143(b), Appeal No. 19-1624, Dkt. No. 137.
2. On April 19, 2019, Circuit Judge, Joe M. Flaum, denied the motion without prejudice to renewal after presentation to the district court first, Dkt. No. 111.
3. On May 1, 2019, the district court denied the motion, see Appendix A, and on May 9, 2019 the court of appeals denied the same renewed motion, see Appendix B.
4. On or about May 19, 2019, petitioner attempted to petition the court of appeals en banc, however it was not circulated and was erroneously docketed as a motion to reconsider to the same 3 judges. On this day, May 28, 2019, petitioner received notice from his fiancé who checks the docket daily on www.pacer.gov, the petition for rehearing en banc was also denied. Petitioner changed addresses to the current facility and will not receive the order denying en banc / "reconsideration" in a timely manner.
5. Of special interest: Appendix B refers to petitioner's former standby counsel (discharged on May 3, 2019 by Judge Barrett) as "counsel for appellant," which is obviously inaccurate.

6. Also of special interest: Circuit Judge, Diane S. Sykes was removed from appeal no. 18-3302 along with Chief Judge, Diane P. Wood, pursuant to petitioners' first petition for writ of prohibition in this court, no. 18-7207. Moreover, District Judge, Rebecca R. Pallmeyer, the trial judge on the case below has been nominated for chief district judge and awaits confirmation. Circuit Judge Anna Diamond Rovner was a district judge that Pallmeyer was a magistrate judge for many years until Rovner was appointed to the court of appeals and Pallmeyer appointed to district judge. It feels highly political to petitioner, the way his appeal is going. Therefore petitioner prays of his honorable court grant this application for bail for the reasons identified in petitioner's motion for release, no. 19-11627, Dkt. No. 1157, and for the above stated as well as foregoing reasons.

Respectfully Submitted,

May 28, 2019 Andrew Johnston

Andrew James Johnston
Prisoner No. 463662
3050 Justice Way, JCDC
Kankakee, Illinois 60901

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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT



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

May 9, 2019

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

AMY C. BARRETT, *Circuit Judge*

No. 19-1624	UNITED STATES OF AMERICA, Plaintiff - Appellee v. ANDREW J. JOHNSTON, Defendant - Appellant
Originating Case Information:	
District Court No: 1:17-cr-00517-1 Northern District of Illinois, Eastern Division District Judge Rebecca R. Pallmeyer	

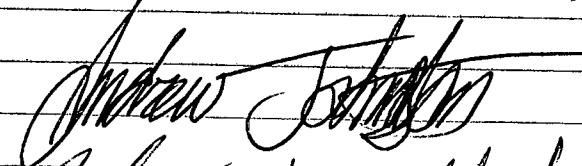
Upon consideration of the **MOTION FOR RELEASE PENDING APPEAL**, filed on April 29, 2019, by counsel for the appellant,

IT IS ORDERED that the motion for release pending appeal is **DENIED**.

Proof of Service

I, Andrew James Johnston, hereby declare under the penalty of perjury that I have deposited the enclosed petition, motion, and application in U.S. Mail and/or third party commercial carrier addressed to: Office of the Clerk, SCOTUS, Washington, D.C. 20543-0001, on May 28, 2019, and hereby ask the Clerk to serve the opposing party, if any.

Respectfully Submitted,

05/28/19 
Andrew James Johnston
3030 Justice Way
Kankakee, Illinois 60901

FROM: Herring, Green
TO: 22712424
SUBJECT: Document
DATE: 05/04/2019 01:06:08 PM

Wendy A

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UNITED STATES DISTRICT COURT

FOR THE Northern District of Illinois CM/ECF LIVE, Ver 6.2.2 Eastern Division

UNITED STATES OF AMERICA v.

Plaintiff,

Defendant.

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

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, May 1, 2019:

MINUTE entry before the Honorable Rebecca R. Pallmeyer: as to Andrew Johnston : The court does not agree that reversal of Mr. Johnston's conviction is likely in this case. His motion for release pending appeal [347] is denied. Mailed notice. (etv,)

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.

*5/1/19 [4]
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