

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of)
) Civil Action No.
Robert M. Kowalski) 18 C 7228

EXECUTIVE COMMITTEE ORDER

The Executive Committee has become aware that Robert M. Kowalski has been loud and disrespectful of the court and court personnel. Further, he has become verbally combative with judges and often refuses to follow court procedures or respect the authority of the judge.

Mr. Kowalski's inappropriate conduct has raised concerns among the Court, the Clerk's Office, and the U.S. Marshals Service.

The Executive Committee finds that there is sufficient cause for concern regarding Mr. Kowalski's conduct if he is not escorted during his time in the Dirksen U.S. Courthouse in Chicago, Illinois or the Roszkowski U.S. Courthouse in Rockford, Illinois, therefore

IT IS HEREBY ORDERED That to maintain judicial security, Robert M. Kowalski is ordered to sign in upon arrival at the Dirksen U.S. Courthouse at 219 S. Dearborn Street, Chicago, Illinois, 60604 or at the Stanley J. Roszkowski U.S. Courthouse at 327 S. Church Street, Rockford, Illinois 61101, and

IT IS FURTHER ORDERED That a representative of the U.S. Marshals Service shall accompany Mr. Kowalski at all times while he is present in the Dirksen U.S. Courthouse or in the Stanley J. Roszkowski U.S. Courthouse, and

IT IS FURTHER ORDERED That failure to comply with this order may lead to further sanctions, and

IT IS FURTHER ORDERED That a miscellaneous file with the title "In the matter of Robert M. Kowalski" and case number 18 C 7228 shall serve as the repository of this order, and any order or minute order entered pursuant to this order. The Clerk will also maintain a miscellaneous docket associated with the file. All orders retained in the file will be entered on that docket following standard docketing procedures.

IT IS FURTHER ORDERED That the Clerk shall cause a copy of this order to be emailed to Mr. Kowalski at Robert.224@icloud.com.

ENTER:

FOR THE EXECUTIVE COMMITTEE


Chief Judge

Dated at Chicago, Illinois this 30th day of October, 2018

APP A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of

Robert M. Kowalski

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Civil Action No.

18 C 7228

EXECUTIVE COMMITTEE ORDER

On October 30, 2018, an Executive Committee order was entered, directing that Robert M. Kowalski sign in upon arrival at the Dirksen U.S. Courthouse at 219 S. Dearborn Street, Chicago, Illinois, 60604 or at the Stanley J. Roszkowski U.S. Courthouse at 327 S. Church Street, Rockford, Illinois 61101 and be escorted by a representative of the United States Marshals Service while in the Courthouses, and

On November 21, 2018, Robert M. Kowalski submitted a motion to vacate the order entered on October 30, 2018, and

On November 21, 2018, the Executive Committee considered Robert M. Kowalski's November 21, 2018 request, therefore


IT IS HEREBY ORDERED That Robert M. Kowalski's November 21, 2018 request to vacate the order entered on October 30, 2018 is denied, and

IT IS FURTHER ORDERED That the order entered on October 30, 2018 remains in force, and Robert M. Kowalski is ordered to sign in upon arrival at the Dirksen U.S. Courthouse at 219 S. Dearborn Street, Chicago, Illinois, 60604 or at the Stanley J. Roszkowski U.S. Courthouse at 327 S. Church Street, Rockford, Illinois 61101, and

IT IS FURTHER ORDERED That a representative of the U.S. Marshals Service shall accompany Mr. Kowalski at all times while he is present in the Dirksen U.S. Courthouse or in the Stanley J. Roszkowski U.S. Courthouse, and

IT IS FURTHER ORDERED That failure to comply with this order may lead to further sanctions, and

IT IS FURTHER ORDERED That the Clerk shall cause a copy of this order to be emailed to Mr. Kowalski at Robert.224@icloud.com.

ENTER:**FOR THE EXECUTIVE COMMITTEE**

Chief Judge

Dated at Chicago, Illinois this 27th day of November, 2018

App B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of

Robert M. Kowalski

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Civil Action No.
18 C 7228

EXECUTIVE COMMITTEE ORDER

On October 30, 2018, an Executive Committee order was entered, directing that Robert M. Kowalski sign in upon arrival at the Dirksen U.S. Courthouse at 219 S. Dearborn Street, Chicago, Illinois, 60604 or at the Stanley J. Roszkowski U.S. Courthouse at 327 S. Church Street, Rockford, Illinois 61101 and be escorted by a representative of the United States Marshals Service while in the Courthouses, and

Robert M. Kowalski has submitted the following documents for Executive Committee consideration:

Date of Submission

Caption

November 27, 2018

Emergency Motion to Present Motion to Vacate the October 30, 2018 Executive Committee Order pursuant to Fed. R. Civ. P. 59(e)

November 28, 2018

Emergency Motion to Present Motion to Vacate the October 30, 2018 Executive Committee Order pursuant to Fed. R. Civ. P. 59(e)

November 29, 2018

Motion for Permission to Appeal in Forma pauperis

At its meeting on December 6, 2018, the Executive Committee considered Robert M. Kowalski's requests, therefore

IT IS HEREBY ORDERED That Robert M. Kowalski's November 27 and November 28, 2018 motions to Present Motion to Vacate the October 30, 2018 Executive Committee Order are denied, and

IT IS FURTHER ORDERED That in order for Robert M. Kowalski's November 29, 2018 *in forma pauperis* application on appeal to be considered, he shall, within 14 days of the issuance of this order, submit a completed *in forma pauperis* application, answering all questions on the form without referring to other filings, and

IT IS FURTHER ORDERED That the order entered on October 30, 2018 remains in force, and Robert M. Kowalski is ordered to sign in upon arrival at the Dirksen U.S. Courthouse at 219 S. Dearborn Street, Chicago, Illinois, 60604 or at the Stanley J. Roszkowski U.S. Courthouse at 327 S. Church Street, Rockford, Illinois 61101, and

IT IS FURTHER ORDERED That a representative of the U.S. Marshals Service shall accompany Mr. Kowalski at all times while he is present in the Dirksen U.S. Courthouse or in the Stanley J. Roszkowski U.S. Courthouse, and


IT IS FURTHER ORDERED That failure to comply with this order may lead to further sanctions, and

IT IS FURTHER ORDERED That the Clerk shall cause a copy of this order to be emailed to Mr. Kowalski at Robert.224@icloud.com.

App C

ENTER:

FOR THE EXECUTIVE COMMITTEE



Chief Judge

Dated at Chicago, Illinois this 7th day of December, 2018

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted April 23, 2019*

Decided April 23, 2019

Before

MICHAEL S. KANNE, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

AMY C. BARRETT, *Circuit Judge*

No. 18-3608

IN RE: ROBERT M. KOWALSKI,
Appellant.

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

No. 18 C 7228

Rubén Castillo,
Chief Judge.

ORDER

The Executive Committee of the United States District Court for the Northern District of Illinois issued an order requiring attorney Robert Kowalski to sign in upon entering the federal courthouses in the district and to be escorted by a United States Marshal while inside. Kowalski appeals that order, raising several constitutional arguments. But because the Executive Committee's order is not the result of judicial action, we dismiss the appeal for lack of jurisdiction.

* We have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

App D

According to the Executive Committee's order, it "became aware" that Kowalski "has been loud and disrespectful of the court and court personnel," "has become verbally combative with judges," and "often refuses to follow court procedures or respect the authority of the judge." On appeal, Kowalski disputes all these statements and challenges both the ex parte nature of the proceedings and the Executive Committee's power to enter the order restricting how he accesses the courthouses. The Committee, he argues, has "branded and silenced Attorney Kowalski as an enemy of the state," in violation of his constitutional rights to free speech, due process, confrontation, and trial by jury.

The Executive Committee can issue two types of orders: judicial and administrative. See *In re Chapman*, 328 F.3d 903, 904 (7th Cir. 2003); *In re Palmisano*, 70 F.3d 483, 484 (7th Cir. 1995). We have jurisdiction over appeals from the Executive Committee's judicial actions; administrative actions, on the other hand, are reviewed by this circuit's Judicial Council. See *Chapman*, 328 F.3d at 904. Here, the order requiring Kowalski to sign in and be escorted by a marshal while at the federal courthouses is administrative. See *In re Long*, 475 F.3d 880, 880–81 (7th Cir. 2007).

Kowalski tries to compare the order to other judicial actions, such as entering injunctions and imposing sanctions. See *Chapman*, 328 F.3d at 904–05 (filing restrictions are judicial actions); *Palmisano*, 70 F.3d at 484 (disbarment is judicial action). But no such order was issued against Kowalski. To curtail Kowalski's disruptive conduct, the Executive Committee issued the order in its "proprietary capacity, just like a restaurant that expels an unruly customer and forbids him to return." *Long*, 475 F.3d at 880–81. The order impacts only *how* Kowalski accesses the courthouses, not *whether* he may. See *id.* at 881. And although the Executive Committee threatened sanctions (which might include options that are judicial in nature) if Kowalski should fail to comply with its order, it has not yet done so.

We therefore lack jurisdiction to consider the order and DISMISS the appeal.

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

June 17, 2019

Before

MICHAEL S. KANNE, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

AMY C. BARRETT, *Circuit Judge*

No. 18-3608

IN RE: ROBERT M. KOWALSKI,
Appellant.

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

No. 1:18-CV-7228

Rubén Castillo,
Chief Judge.

ORDER

On consideration of appellant Robert M. Kowalski's motion for rehearing, construed as petition for rehearing, filed on May 31, 2019, all judges on the original panel have voted to deny the petition.

Accordingly, the motion for rehearing, construed as petition for rehearing, filed by appellant Robert M. Kowalski is DENIED.

App E