

19A681 ORIGINAL
IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS.

EASTERN DIVISION

Valentina O'Connor, next friend and guardian of)

Michael W. O'Connor,

) Case No.: 1-15-cv-8066 CLERK

Plaintiffs ,

) Honorable Chief Judge

v.

) Ruben Castillo

Deputy Wright, et al., Defendants.

)

IN THE SEVENTH CIRCUIT COURT OF APPEALS

No. 19-1253

Valentina L. O'Connor (next friend and guardian of Michael W. O'Connor),

Plaintiffs – Appellants,

v.

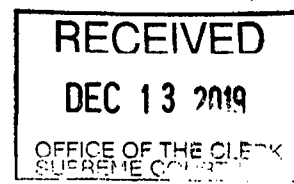
Arthur R. Wright, et al.,

Defendants – Appellees.

Type of Dismissal: F.R.A.P. 42 (b)

To: Justice Bret Kavanaugh, Associate Justice of the Supreme Court of the

United States and Circuit Justice for the Seventh Circuit



**APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE PETITION FOR WRIT OF
CERTIORARI**

IN THE SUPREME COURT OF THE UNITED STATES, NOVEMBER, 2019-2020

1. Pursuant to Title 28, United States Code, Section 2101 (c) and Rule 13 of the Rules of the Supreme Court of the United States, application is made for an extension of time within which to file a petition for a writ of certiorari, from 12/09/2019 to 2/09/2020.
2. The Judgement /Order sought to be reviewed is that of the Seventh Circuit Court of Appeals in the case *Valentina O'Connor, Next Friend and Guardian of Michael W. O'Connor*, Plaintiffs, v. *Sheriff Arthur Wright, et al*, Defendants, No. 15-cv-08066.
3. The Judgement/Order sought to be reviewed was entered on September 11, 2019. The time allowed by law to file a petition for a writ of certiorari will expire on December 11, 2019.
4. Copies of the Judgement/Order of the U.S. District Court of Northern District of Illinois, Eastern Division and of the Seventh Circuit Court of Appeals are appended.
5. Please note that the Seventh Circuit denied that caring for a mentally ill son who is denied appropriate treatment, and is kept in shackles even in the Courtroom, perpetually incarcerated in Maximum Security Cook County Jail without cause, without charge, and without bond – is an **exceptional circumstance**.¹ Also, after having been reduced to indigency status, the Seventh Circuit denied Michael's Court appointed Attorney representation.²
6. **The Court has jurisdiction over this action** pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988 to redress the deprivation under color of law of Michael O'Connor's rights as secured by the United States Constitution.

¹ See attached Motion for Extension of the Submission Deadline for the Appellant's Brief and the Order "that the motion to reconsider is DENIED and this appeal is DISMISSED for failure to prosecute."

² See attached Order "that the motion for leave to proceed on appeal in forma pauperis is DENIED."

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 deprivation under color of law of Michael W. O'Connor's rights as secured by the United States Constitution.
8. **This case is of public interest as it begs the Court's intervention to correct the Cook County's unconstitutional practices of assaulting innocent civilians with excessive force in the Courtroom, followed by a Seventh Circuit's coerced settlement.**
9. **Unless the Court intervenes to restore the human dignity and the constitutionality of our local judicial process, these conscience shocking practices appear, to the public eye, to be covered up by coerced settlements within the Seventh Circuit Court.**
10. Moreover, these unconstitutional practices are inflicted upon the most vulnerable citizens like Michael W. O'Connor and those similar to him, who suffer from mental illnesses, by sadistically setting them up to "act out" the symptoms of their mental illness, after prolonged deprivation of their treatment and medication, when they become symptomatic for their illnesses. See attached Second Amended Complaint, p.8, ¶ 48; pp. 11, 12, ¶ ¶ 69, 70, 71, 72, 73, p. 14, ¶ ¶ 81, 82, 83, 84, p. 15, ¶ ¶ 86, 87, 88, 89, 90.
11. **By criminalizing the symptoms of the Cook County Jail pre-trial prisoners' mental illness, by fabricating false evidence against the mentally ill, by trumping up forged charges against the incompetent prisoners, the mentally ill detainees' Fourth Amendment rights continue to be violated by perpetual detention without probable cause, without legal process, and without adversary hearings needed to establish the lack of competency to stand trial or to take guilty pleas, thus yielding "good convictions" despite their "bad arrests".³**

³ Oral argument, 14-9496, *Manuel v. City of Joliet* (3/21/2017).

12. The same District Court, Honorable Judge Castillo, who dismissed with prejudice Michael's civil complaint, *O'Connor v. Sheriff Wright*, No. 1-15-08066, after it had coerced Michael's next friend and guardian into a settlement enforced and signed by the District Court, denying the victim, Michael W. O'Connor's access to the closed doors pre-trial"(in fact, settlement) conference on 11/06/2018, and admonishing him to be reported to the Marshalls, when he appeared in Court to report that his next friend and guardian (whose understanding of colloquial English is very limited- to the point that she did not "hear"(understand) what the Court said it was stated, that, if she continues to be in disagreement with the settlement, "we may call it a day"; she only remembers that the Judge answered to her repeated requests for Jury Trial, "You don't know who sits there", pointing to the empty Jury seats in the Courtroom—had wrongly exonerated the main Defendant in this case, Sheriff Wright, after previously having exonerated the same Defendant from another similar excessive force assault, covered up by pressing aggravated battery charges against another victim. See *Marsha Clay v. Sheriff Wright*,

13. The same District Court that denied Michael's demand for jury trial- See Second Amended Complaint...and instead, dismissed Michael's case with prejudice, reinstated Sheriff Wright with his back paid wages, into his Courtroom Deputy state acting job, after he was suspended for six months without pay, due to his (and his associates'/superiors') practice of beating up innocent citizens in the Courtroom, covering up their use of excessive force by pressing aggravated battery charges against their victims. See *Sheriff Wright v. M. Sheahan*,

14. **Michael W. O'Connor's case No. 1-15-cv-0886, is of PUBLIC INTEREST because Defendant Sheriff Wright, his associates and their superiors, acting under color of law and exonerated from their guilt/liability by the District Court, continue to pose a Public**

Threat; because, by a reasonable inference, Sheriff Wright and his associates, will continue their wanton assaults with excessive force, harming innocent victims,⁴ followed by false aggravated battery charges pressed against their victims, under their undeterred lack of concern for the law, for their victims' constitutional rights, and for fundamental justice and human dignity. See *Wright v. Sheahan*.

15. Thus, by dismissing O'Connor's case No. 1-15-cv-0886, with prejudice, after a coerced settlement, the District Court exonerated the public threat of excessive and sadistic force used against innocent citizens in the Courtroom, followed by the conspiracy to cover up the assault by pressing false charges of aggravated battery against the victims.

16. The victim in this case, Michael W. O'Connor, was not permitted to appear in the District Court where, through *his next friend and guardian*, he filed this civil action, *O'Connor v. Sheriff Wright*, No. 1-15-08066, nor in his prior action in the District Court, when he was still able to write and to do legal research, when he was still hoping that truth will prevail over his unconstitutional charges, when he filed a *Writ of Habeas Corpus*, *Michael O'Connor v. Tomas Dart*, No. 1-15-cv-06494. The *Writ*, dismissed without any evidentiary hearing, and without any remedy, only served to prejudice both Michael and his guardian by **stripping them of their personal credibility, denying their requests for Court appointed Attorney representation and, inconsistent with other Seventh Circuit District Courts⁵, denying**

⁴ Per numerous prior similar cases to Michael's and per recent DOJ investigations into the Cook County Jail's policies, the Cook County Jail is "a blood bath", where everyday at least one pre-trial detainee dies either from illness and denial of needed medication, or from savage and unjustified excessive force assaults.

⁵ By contrast with Judge Castillo's dismissal of Michael's case, and with Judge Coleman's dismissal of both Michael's *Writ*, No. 1-15-06494, and of Valentina's FMLA case, See 5/24/2018 Order, D 168, 169 in *Valentina O'Connor v. Board of Education of Chicago*, No. 1-14-10263, thus permitting the Board's hired private Attorneys, who are not members of the District Court's bar, to falsify even the Court docket - D 142- on O'Connor's FMLA case.

Departed Judge John Darrah diligently sought to impart justice in both Michael's and Valentina's cases, by granting Court appointed Attorney representation for Valentina's FMLA case, by issuing, while being ill, ORDERS to transfer the FMLA case to another highly competent and ethical Court, and by inquiring out loud in his Courtroom, whether

both Michael's and Valentina's constitutional right to Court and to a neutral, detached, and competent legal process.

17. Michael was condemned *a priori*, before any legal process to establish cause for his incarceration. In fact, instead of the Gerstein Hearing⁶, Michael was assaulted with excessive force, followed by a coerced settlement without any consideration for Michael's right to a jury trial, (See attached Letter to the Court, when, just a few months before his mental illness rendered him completely psychotic, diagnosed with schizophrenia, Michael was still demanding his right to a jury trial).

18. Attorney Richards' response to Michael's letter demanding his jury trial, was, "He's not getting any jury trial, he's just a nut case". In the same time, the same Attorney unduly influenced Michael's Court appointed Attorney for Michael's Writ of Habeas Corpus (a close family friend of his) obstructing Michael's road to justice and his over seven years waited for jury trial⁷. Michael's Discovery (especially the video of his 5/09/2014 assault and the witnesses who saw the assault) were "Court controlled"(Attorney Fink stated that he was not allowed to pursue obtaining the evidence that would have established liability of the

anyone "could help this boy", in reference to the attached photos of Michael's assault with excessive force, that Valentina attached to her application for Court appointed Attorney representation when the Board, in retaliation for FMLA case No. 1-11-C-0673, V. O'Connor v. Board of Education, pretextually discharged Valentina from her special education teaching employment, by deleting her posted unit plans to claim falsely that she did not produce them (despite Valentina's back up paper copies), by falsifying her personnel file records of Excellent and Superior prior evaluations, and replacing them with Unsatisfactory. When, without addressing any of Valentina's FMLA meritorious claims, the Board circumvented the law by privacy invasions, by *ad hominem* attacks at Valentina's credibility, and ultimately, by the false claim that Valentina made "false poverty pleadings" in her application for Judge Darrah's Court appointed Attorney representation; Judge Coleman – who, despite Michael's Writ of *Habeas Corpus*, permitted Michael's unconstitutional "criminal" cases to stand, granted an undeserved victory to the Board's illegal practices by using a subjective Court demeanor test on Valentina that "proves that she lacks credibility", thus dismissing her FMLA case with prejudice. See Appeal No. 18-2188, Appellant's Brief, Appendix No. I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, and Reply Brief.

⁶ See Second Amended Complaint, p.57.

Defendants). The access to the evidence against Michael – in fact, there was no evidence of any wrongdoing, other than two love letters to the victim, that Michael sent to his delusional love from jail- See Dr. T. Finn’s and Dr. Pitts’s letters, and the excerpts from Honorable Judge St. Eve’s Order of 2012 in *O’Connor v. Board of Education of Chicago*, case No. 1-11-C-0673, just a few days within Michael’s first false arrest and prosecution.

19. Those who, revengefully, reversed the Judge St Eve’s Court’s judgment (that FMLA should have been granted to Michael’s guardian to care for him, since, even if Michael might be an addict, he is primarily bipolar), declared Michael “a danger” because “he might do something” – See Dr. Finn’s and Professor Nix’ letters to the Court, Cermak’s Dr. Pitts.

20. At the same time, as **Michael’s mental health condition, in jail, continued to become progressively worse - schizophrenia with psychosis, delusional thinking, memory loss and inability to form a sound judgement – his Mental Health probation, exceeding, by his new Attorney’s calculations, by four years, the sentencing in Michael’s case, even if the cyberstalking statute under which he was convicted would not be facially unconstitutional – continued to entrap him by more fabricated evidence, e.g., that his guardian did not want Michael home, that Michael smoked a joint, although he had a permit for medicinal marijuana, thus keeping him incarcerated for three more months, even though he had paid an exorbitant ten thousand dollar bond, and exhausted all his settlement money remainder of \$15,000 for an inpatient treatment program for one month. See attached Attorney M. Raimondi’s statement on 9/23/2019 State Court hearing, that “nobody in Cook County [not even the West Care within the Cook County Jail] will take him [to treat Michael]”, “because of the nature of the convictions.”(sic).**

- 21. Thus, after his initially diagnosed condition of Bipolar disorder was managed so that Michael was a high academic achiever (at 20 years of age, he was four classes from graduating with a B.A. in Communications, 3.0 GPA, from DePaul University, a published writer, and a happy sociable young man), after the State's only witness and their "friends"(See State Court transcript of 8/22/2014), robbed Michael of his Liberty, property(he is reduced to an indigent status, unable to find any employment, when, in 2012 he had steady employment offers compatible with his professional career),**
- 22. Due to the aggravation of his mental illness through indefinite incarceration without treatment, especially being denied treatment after his 5/09/2014 "blunt head trauma" in 11 sites, Traumatic Brain Injury which, without treatment for over three years, became permanent brain damage with significant memory and cognitive abilities losses, continuing to become worse as Michael's treatment continues to be pretextually denied to him – See attached Guardian's Report by Attorney Mark Epstein, with its attached Exhibit A- Michael's Statement of 5/2015 and Dr. Finn's letter to the Court..**
- 23. Michael has been progressively reduced to an excessively worsened psychiatric/psychological condition, schizophrenia with psychosis, PTSD, excessive anxiety, suicidal ideation, physical disfigurement, and with such STIGMA of the "nature of [criminal] convictions", that he is doomed to be refused treatment by any treatment facility.**
- 24. Michael was initially arrested without a warrant on 6/14/2012, when he entered the Orland Park police station, by the Police Officers Rossi and Jankowsky, who had invited Michael to talk with them. He was charged with having violated, on 6/6/2012, a temporary civil no**

contact order which was issued on 6/11/2012 (sic). He was sent to Cook County Jail where he was deprived of his medication for his bipolar disorder for 22 days.

25. **Michael was unconstitutionally seized repeatedly, on 6/14/2012, 10/18/2012, 5/21/2013, 5/06/2014, 6/2018, 1/25/2019, 6/20/2019, and, without legal process, indefinitely detained in Maximum Security Cook County Jail, with no bond, for one *ab initio* unconstitutional charge of cyberstalking, having possibly made an inappropriate verbal remark⁸ to the sadistic victim and state's only witness, who, when asked by their common friends what did Michael do to her, texted, "Mike didn't do anything to me, girl, I just wanna see his ass rot in jail." This text was intercepted by Attorney Shay Allen in 2012. – See attached. Upon information and belief, the victim's father is a Cook County Jail inspector.**

26. After he posted bond, in July, 2012, Michael returned to DePaul University where, despite his traumatic incarceration experience, he continued his classes, obtained his pre-conferral B.A. degree, and an employment offer from Purina Dogfood Company.

27. On 10/18/2012, Michael was charged with another onerous and fabricated charge of cyberstalking, for **allegedly having threatened to expose the victim's plagiarism of Michael's college writing assignments. Consequently, to protect the victim from Michael's requested conference at the Vice President of Students' Affairs' office, where he was going to expose the victim's plagiarism, on 10/18/2012, Michael was incarcerated**

⁸ Michael's Attorney Shay T. Allen counted 111 text messages that the victim sent Michael. In one of the alleged 76 text messages that Michael allegedly sent the victim, he stated, "I don't just want to have sex with you, I want to have a relationship with you." This statement was claimed, by the affiant Prosecutor, to be the probable cause for Michael's 2012 charge of cyberstalking, and for his indefinite incarceration, without bond, in the Maximum Security Cook County Jail, for preventing Michael from graduating and from employment in his profession, for his expulsion from DePaul University where Michael maintained a 3.0 GPA, and where he already had his pre-conferral B.A. degree in Communications, and for a perpetual unconstitutional incarceration, presently exceeding the sentencing by approximately four years – per Michael's present criminal defense Attorney's computation.

again in the Maximum Security Cook County Jail with no bond, for another onerous charge of cyberstalking.

28. Due to the State created danger, after having been sexually and physically assaulted in Maximum Security Jail, Michael pled guilty to his *ab initio* unconstitutional charges, but then withdrew his guilty plea as not voluntarily nor competently entered.

29. More *animus* driven actions followed. There were fabricated new cyberstalking charges against Michael for five (claimed as “hundreds”) “paid-to-delete” and taken-out-of-context statements posted in Craigslist. In a Craigslist posting, of October 2012, after vouching to forget about the woman who mistreated him, Michael promised himself to “take care of the little boy” inside himself, and, in a tone of ease, uttered, “fuck you”. **This was interpreted by the affiant prosecutor who imprisoned Michael without bond in Maximum Security jail, as “ a specific threat of sexual assault”.⁹ Despite the 9/04/2014 Court’s refusal to consider Michael’s postings of love messages as “future dangerousness”, Michael was indefinitely incarcerated with no bond, by the affiant State Attorney “superseding” the Court’s Order for bond and for exoneration from under the stigma of “threatening” the victim.¹⁰ See the attached victim’s messages to the DePaul Dean’s office and her perjurious answers to Attorney S. Allen’s cross-examination of 8/22/2014.**

30. Although *Elonis* and *Relerford*¹¹ clearly established that communication *per se* is innocent if lacking *mens rea*, thus finding the cyberstalking/stalking statute under which Michael was convicted, to be facially unconstitutional, the Seventh Circuit continues to permit the stigma of criminality placed on Michael’s writing behavior and on his mental

⁹ *People v. Michael O’Connor*, Court Transcript of 10/18/2012.

¹⁰ *People v. Michael O’Connor*, Court transcript of 9/04/2014, when Judge Rosemary Higgins rebutted the prosecution’s request for no bond, stating that she does not find love declarations to be “a threat”.

¹¹ *Elonis v. United States*, 575 U. S. (2015), and *People v. Relerford*, 2017 IL 121094

illness, stating repeatedly that the reason why he is kept incarcerated with no bond is because “he MIGHT do something”(emphasis added), “ due to his bipolarity”(State Court Transcript of 11/21/2012 State Court Hearing and State Court Hearing Transcript of 9/04/2014). – Also, see attached excerpts from Michael’s *Writ of Habeas Corpus*, *Michael W. O’Connor v. Thomas Dart*, No. 1-15-cv-06494 (terminated without any evidentiary hearing and without any remedy in May,2017).

Thus, another compelling reason why the Court should allow Michael O’Connor’s petition, is because, contrary to the *Elonis* Standard, the Seventh Circuit continues to permit the criminalization of mental illness and of “just writing”,¹² innocent behavior.

31. The conscience shocking discriminatory *animus*/hate against Michael for displaying symptoms of his OCD (continuing to write his love poemsⁿ to an unreasonably cruel State’s only witness), culminated on 5/06/2014 when he was seized again without probable cause from his parents’ home, where he was studying for his final exam, having implored the victim to allow him to take his exam and to have him arrested after his final exam. See attached Professor Nix’ Letter to the Public Defender Attorney Carlson, Dr. Finn’s Letter to the Court, and Dr. Pitts, Alexander’s footnote remark about Michael’s delusional thinking, as he told Cermak’s Dr. Pitts that he believes the victim pressing criminal charges against him “loves [him] very much”.

¹² See attached excerpts from the State Court hearing of 8/22/2014, when Attorney Shay T. Allen, after the victim’s perjurious answers during cross examination, tried to clarify the State Court’s ambiguities, when, despite the Court clearly stating in the civil No Contact Order, that it is “not illegal” for Michael to continue studying at DePaul, the same Court and another State Court excessively incarcerate Michael with No Bond repeatedly, for having been seen, as per the victim’s unreasonable statements, “on DePaul campus.”

- 32. Michael has been denied appropriate treatment in order to cover up for the malicious prosecution's pretextual criminalization of his mental health symptoms, aggravated by the duress of incarceration, thus to pretextually and perpetually imprison Michael.**
- 33. Michael's mental illness gradually worsened during his incarceration and "hog like"¹³ treatment. See the attached photos of Michael, from being assaulted with excessive force, on 5/09/2014, in the Bond Court room No. 100, George Leighton Criminal Courts Building, 2650 California Street, in Chicago.**
- 34. Michael was confined in cages and segregated cells in deep underground isolation, and he continues appearing in handcuffs, leg irons/shackles tied up to a waist belt in the Courtroom.**
- 35. He has been incarcerated in Maximum Security Cook County Jail, with no bond, three more times, over three more months each time, after his 6/02/2017 sentencing, and pressured by the State Court to withdraw his "specious" appeal to his conviction or remain incarcerated.**
- 36. In order for Michael to be released from his incarceration, we were ordered to find an inpatient dual Mental Health/Addiction treatment program for Michael, but as per Michael's Attorney M. Raimondi, "no treatment facility in Cook County, not even West Care within the Cook County Jail, will take Michael, due to the nature of his charges." – See attached excerpt from the 9/23/2019 Court transcript.- See attached.**
- 37. In order to cover up for the unconstitutionality of Michael's initial charges, after the cyberstalking statute under which Michael was forced to plead guilty was declared**

¹³ Kicked for 20 minutes in the head by three Sheriffs with their boots, while five Officers were coaching them, Michael, when he was still able to remember, stated, "They were kicking me as if I were a hog, but, if I were a hog, they would have been afraid to hurt me like that."

facially unconstitutional,¹⁴ more unbeknownst charges, false¹⁵ and/or facially unconstitutional, were added and/or trumped up, within the State Court's dockets. See attached Court dockets.

38. There is no current manner it seems in which Michael can find justice within our local State Court, District Court or Seventh Circuit Court of Appeals, because all avenues to Michael's justice have been consistently blocked.

39. Thus Michael W. O'Connor was denied, for over seven years, his right to pursue his constitutional rights to be free from incarceration without probable cause, without legal process, without bond, and without evidence against him for any crime which he might have committed. These are reasons why Michael, by and through his legal guardian, implores this Court for intervention to correct the fundamental unfairness^e of proceedings against him - from the lack of *mens rea* in his facially unconstitutional cyberstalking charges; to the forged State Court dockets when finally, in *Elonis* and *Relerford* cases, the facially unconstitutional statutes that criminalized Michael's innocent writing behavior should have exonerated him from under his criminal charges;

40. and from the lack of objective, detached, and neutral Judicial intervention to break the chain of causation of the fabricated, onerous, and excessive stigmatization of Michael as a "violent sex offender" - according to his State created danger of the Color of Crimes that placed Michael with No Bond in the Maximum Security Cook County Jail, only to

¹⁴ Per *Elonis v. United States*, 575 U. S. (2015), and *People v. Relerford*, 2017 IL 121094.

¹⁵ On 6/01,02/2017, Michael was sentenced for seven counts of *ab initio* unconstitutional cyberstalking and alleged violations of a phantom "no stalking order of protection", when the only allegedly violated order (which had expired on 7/16/2014, when Michael allegedly sent victim two love letters from jail), was a civil no contact order.

project onerous suspicions of Michael's mental illness, innocent writing. Michael's writing has always been highly praised by all his English professors, and editors.

- 41. Systematically and hatefully treated as “trash”¹⁶ as a criminal who will never be accepted even for treatment in any mental health/addiction treatment facility – See Attorney Raimondi's attached statement - and who deserves to be treated worse than a “hog”, worthy of being summarily executed.¹⁷ - See 5/09/2014 excessive force assault, when Michael's false accuser, Sheriff Wright, stated in his deposition that Michael was “high risk” because of his “criminal charges”, thus justifying Sheriff Wright's and others' brutal and summary beating-to-kill of Michael.**
- 42. Because the Seventh Circuit Court of Appeals decided contrary to Michael's constitutional rights, as guaranteed by the Amendment XIII to the U.S. Constitution, “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”**
- 43. Also because of the compelling need to restore human dignity and constitutional rights of the innocent and/or mentally ill citizens assaulted with excessive force in the Court rooms and the Jail of the County of Cook, because of the excessive force assault covered up by false aggravated battery charges against the victims and by coerced settlements by the Seventh Circuit that dismissed Michael's Complaint with prejudice, and**
- 44. that exonerated Michael's sadistic executioners, thus perpetuating the public threat and the risk of disrepute of the judiciary in the public eye,**

¹⁶ Please refer to Judge R. Posner's remarks about the pro se litigants in the Seventh Circuit, being treated as “trash”, unworthy of the time of a Federal Court Judge.

¹⁷ Michael...