20-5136 ORIGINAL

No. _____

In the
Supreme Court of the United States

IN RE ABDUL MOHAMMED, PETITIONER,

On Petition for Writ of Mandamus to the United States District Court for the Northern District of Illinois and the Executive Committee of the United States District Court for the Northern District of Illinois

PETITION FOR WRIT OF MANDAMUS

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QUESTION PRESENTED

The questions presented are:

1) whether the Executive Committee's Order entered against the Petitioner on June 17, 2020 is legal;

2) whether the dismissal of Case # 20-cv-50133 appropriate and legal.

PARTIES TO PROCEEDING

Petitioner (Plaintiff in the District Court, Respondent in the Executive Committee's Order and Mandamus Petitioner in this court) is Abdul Mohammed.

Respondents in this court are United States District Court for the Northern District of Illinois, Chief Judge Rebecca Pallmeyer, Judge Jorge Alonso, Judge Gary Feinerman, Judge John Blakey, Judge Ronald Guzman, Judge Robert Gettleman and Members of the Executive Committee of the United States District Court for the Northern District of Illinois.

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TABLE OF AUTHORITIES

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PETITION FOR WRIT OF MANDAMUS

This case is an ideal vehicle for resolving a question of first impression and as well as of national importance, which is whether requirements of *Ringgold-Lockhart v. County of Los Angeles*, No. 11-57231 (9th Cir. 2014) and *Goolsby v Gonzalez,* Case # 11-cv-00494-LJO-GSA-PC, United States District Court for Eastern District of California should be fulfilled before a pre-filing order is entered against an individual.

OPINIONS BELOW

The Executive Committee's Order is reproduced at App-31-32and the Order Dismissing the Case # 20-cv-50133 is reproduced at App-34.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. 1651. The judgment of the Executive Committee was entered on June 17, 2020. A Writ of Mandamus is an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion. (See, e.g. *Cheney v. United States Dist. Court for D.C.* (03-475) 542 U.S. 367 (2004) 334 F.3d 1096.)

STATEMENT OF THE CASE

School District Defendants in Case # 20-cv-50133 filed a Motion to have Petitioner declared a vexatious litigant and enjoined from further filings on June 3, 2020 (App-1-15). The Petitioner filed his Response to the School District Defendants' Motion to have Petitioner declared a vexatious litigant and enjoined from further filings (App-16-27). Further Petitioner filed a Supplemental Response to the School District Defendants' Motion to have Petitioner declared a

vexatious litigant and enjoined from further filings (App-28-30).On June 17, 2020, the Executive Committee entered an order placing some restrictions on the Petitioner as described in the order (App-31-32). There was neither a hearing held in this matter nor the Executive Committee stated they have considered Petitioner's Responses as described in App-16-27 and App-28-30.

The Executive Committee's order in the pertinent part states as follows as the reason for the entry of the Executive Committee's Order:

"Since February 22, 2016, *pro se* litigant Abdul Mohammed has filed at least 14 cases in the Northern District of Illinois. The cases have been terminated for reasons such as Defendants' motion for summary judgment, the case stayed pending arbitration, plaintiff's motion to voluntarily dismiss, failure to state a claim, lack of subject matter jurisdiction, and frivolous complaint, It is the judgment of the Executive Committee that reasonable and necessary restraints must be imposed upon Mr. Mohammed's ability to file new civil cases in this District *pro se*. Cases in existence prior to the entry of this order are not affected by this order and shall proceed as usual". See App-31-32 for the complete Executive Committee's Order.

The Executive Committee's order does not state the wrong done by the Petitioner.

In *Goolsby v Gonzalez,* Case # 11-cv-00494-LJO-GSA-PC, United States District Court for Eastern District of California ruled as follows:

"The Court reiterates that the focus is on the number of suits that were frivolous or harassing in nature rather than on the number of suits that

were simply adversely decided. See *De Long*, 912 F.2d at 1147-48. Even under California case law:

> Any determination that a litigant is vexatious must comport with the intent and spirit of the vexatious litigant statute. The purpose of which is to address the problem created by the persistent and obsessive litigant who constantly has pending a number of groundless actions and whose conduct causes serious financial results to the unfortunate objects of his or her attacks and places an unreasonable burden on the courts.
>
> *Morton v. Wagner,* 156 Cal.App.4th 963, 970-71 (Cal. App. 6 Dist. 2007). In Plaintiff's cases cited by Defendant above, two were dismissed for failure to exhaust administrative remedies. Such cases do not demonstrate a malicious or vexatious intent of the Plaintiff. Nor does losing an action at the summary judgment phase, voluntarily dismissing an action, or having a habeas petition denied, demonstrate maliciousness or vexatiousness. Defendant has failed to meet his burden in demonstrating that Plaintiff is a vexatious litigant. Since Defendant has failed to make a threshold showing that Plaintiff has a pattern of engaging in harassing litigation practices, the Court declines to address Defendant's argument that Plaintiff is not likely to succeed on the merits. (Doc. 31-1 at 13)".

Now the Petitioner will dissect each of the 14 cases cited by the Executive Committee as the reason for punishing the Petitioner and for the entry of the Executive Committee's order.

1) Case # 16-cv-2537 has been stayed due to arbitration and the Petitioner does not know why

he was punished for filing this case. The Petitioner paid the filing fees for this case.

2) Case # 16-cv-5263 (Filing Fee paid by the Petitioner and voluntarily dismissed by the Petitioner and this case does not demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California).

3) Case # 16-cv-5264 (Filing Fee paid by the Petitioner and voluntarily dismissed by the Petitioner and this case does not demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California).

4) Case # 16-cv-2470 (Filing Fee paid by the Petitioner and dismissed at the summary judgment phase and this case does not demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California).

5) Case # 17-cv-5585 (Dismissed under the In Forma Pauperis Statute without prejudice because the Petitioner was not able to amend the complaint due to lack of legal representation and many of the claims from this case are pending in Case # 20-cv-50133. Neither the Defendants were served in this case nor filed an appearance in this case and this case does not demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California).

6) Case # 16-cv-2538 (Filing Fee paid by the Petitioner and voluntarily dismissed by the Petitioner due to attorneys withdrawal because of personal reasons and this case does not demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California).

7) Case # 18-cv-2638 (Dismissed under the In Forma Pauperis Statute. Neither the Defendants were served in this case nor filed an appearance in this case and this case does not demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California).

8) Case # 18-cv-4248 (Dismissed under the In Forma Pauperis Statute. Neither the Defendants were served in this case nor filed an appearance in this case and this case does not demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California. The Petitioner was not able to appeal this case because the District Court and the Seventh Circuit denied Petitioner's IFP Application. The reasoning for Judge Guzman for ruling this case as frivolous is that the Petitioner filed his ADA claims to assert subject matter jurisdiction in this court and Judge Guzman's reasoning cannot be any far from the truth because the Petitioner does not want to file any case in the District Court because of the inconvenience of traveling from Naperville to Chicago for appearances and the Petitioner cannot be in District to appear at 9:00 AM because he

drops his son to school in Naperville at 8:15 AM and he cannot reach the District Court for a 9:00 AM appearance as it takes at least 90 minutes to reach the District Court in the morning rush hour. The Petitioner has argued in his Motion to Remand in Case # 18-cv-8393 that it is inconvenient for him to travel from Naperville to Chicago for appearances in District Court because he drops his son to school in Naperville at 8:15 AM and it will be impossible for him to reach the District Court for a 9:00 AM appearance because it takes at least 90 minutes to reach the District Court in the morning rush. Further, the Petitioner has filed ADA claims in State Court, and he has no reason to file a case in District Court just to assert subject matter jurisdiction for his ADA claims in the District Court.).

9) Case # 17-cv-9371(Voluntarily dismissed by the Petitioner because this case was transferred to Federal Court in California as part of Multi-District Litigation. Petitioner dismissed this case because he lives in Illinois and he cannot represent himself in this case in Federal Court in California and this case does not demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California).

10) Case # 18-cv-2503 (Dismissed as insufficiently pled and this case does not demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California).

11) Case # 18-cv-8393 (This case was originally filed by the Petitioner in DuPage County

Circuit Court (Case # 18-L-1312) and the Defendants removed the Case # 18-L-1312 from DuPage County Circuit Court over the objection of the Petitioner. In short, the Petitioner did not file the Case # 18-cv-8393 in this court and hence this case neither be considered as filed by the Petitioner in the district court not does it demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California. The appeal for this case is pending in the 7th Circuit).

12) Case # 19-cv-6525 (This case was originally filed by the Petitioner in Kane County Circuit Court (Case # 19-L-419) and the Defendants removed the Case # 19-L-419 from Kane County Circuit Court. In short, the Petitioner did not file the Case # 19-cv-6525 in this court and hence this neither be considered as filed by the Petitioner in this court not does it demonstrate a malicious or vexatious intent of the Petitioner pursuant to *Goolsby v Gonzalez,* Case # 11-cv-00494LJO-GSA-PC, United States District Court for Eastern District of California. This case is pending in this court in front of Judge Feinerman).

13) Case # 20-cv-50133 (This case was filed by the Petitioner in this court and it was dismissed under Rule 8(a) by Judge Blakey).

Pursuant to *Goolsby v Gonzalez* the Petitioner has done nothing wrong and the Executive Committee's order also does not state that the Plaintiff has done something wrong.

In *Ringgold-Lockhart v. County of Los Angeles*, No. 11-57231 (9th Cir. 2014), the 9th Circuit ruled as follows:

"Restricting access to the courts is, however, a serious matter. "[T]he right of access to the courts is a fundamental right protected by the Constitution." *Delew v. Wagner*, 143 F.3d 1219, 1222 (9th Cir. 1998). The First Amendment "right of the people . . . to petition the Government for a redress of grievances," which secures the right to access the courts, has been termed "one of the most precious of the liberties safeguarded by the Bill of Rights." *BE & K Const. Co. v. NLRB*, 536 U.S. 516, 524–25 (2002) (internal quotation marks omitted, alteration in original); see also *Christopher v. Harbury*, 536 U.S. 403, 415 n.12 (2002) (noting that the Supreme Court has located the court access right in the Privileges and Immunities Clause, the First Amendment petition clause, the Fifth Amendment due process clause, and the Fourteenth Amendment equal protection clause). Profligate use of pre-filing orders could infringe this important right, *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007) (per curiam), as the pre-clearance requirement imposes a substantial burden on the free-access guarantee. "Among all other citizens, [the vexatious litigant] is to be restricted in his right of access to the courts. We cannot predict what harm might come to him as a result, and he should not be forced to predict it either. What he does know is that a Sword of Damocles hangs over his hopes for federal access for the foreseeable future." *Moy v. United States*, 906 F.2d 467, 470 (9th Cir. 1990). Out of regard for the constitutional underpinnings of the right to court access, "pre-filing orders should rarely be filed," and only if

courts comply with certain procedural and substantive requirements. *De Long*, 912 F.2d at 1147. When district courts seek to impose pre-filing restrictions, they must: (1) give litigants notice and "an opportunity to oppose the order before it [is] entered"; (2) compile an adequate record for appellate review, including "a listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed"; (3) make substantive findings of frivolousness or harassment; and (4) tailor the order narrowly so as "to closely fit the specific vice encountered." Id. at 1147–48. The first and second of these requirements are procedural, while the "latter two factors . . . are substantive considerations . . . [that] help the district court define who is, in fact, a 'vexatious litigant' and construct a remedy that will stop the litigant's abusive behavior while not unduly infringing the litigant's right to access the courts." *Molski*,500 F.3d at 1058. In "applying the two substantive factors," we have held that a separate set of considerations employed by the Second Circuit Court of Appeals "provides a helpful framework." Id. The Second Circuit considers the following five substantive factors to determine "whether a party is a vexatious litigant and whether a pre-filing order will stop the vexatious litigation or if other sanctions are adequate": (1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts

and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties. Id. (quoting *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir.1986)). The final consideration — whether other remedies "would be adequate to protect the courts and other parties" is particularly important. See *Cromer v. Kraft Foods N. Am., Inc.*, 390 F.3d 812, 818 (4th Cir. 2004). In light of the seriousness of restricting litigants' access to the courts, pre-filing orders should be a remedy of last resort. We review the district court's compliance with these procedural and substantive standards for an abuse of discretion. The Ringgolds' contention that filing a notice of appeal divested the district court of jurisdiction to issue the vexatious litigant order is without merit. "A district court retains jurisdiction to enforce the judgments it enters," including through issuance of vexatious litigant orders. *Wood v. Santa Barbara Chamber of Commerce, Inc.*, 705 F.2d 1515, 1524 (9th Cir.1983). We have jurisdiction over the Ringgolds' appeal of the district court's order under 28 U.S.C. § 1291. *Molski*, 500 F.3d at 1054. We may exercise this jurisdiction even absent an indication that the Ringgolds have already been denied access to the court because of the district court's order. *De Long*, 912 F.2d at 1146 n.2; *Moy*, 906 F.2d at 470. Relying on *Molski*, 500 F.3d at 1056, the Ringgolds maintain that we may not consider the arguments given or briefs filed by appellees who were not parties to the vexatious litigant order, which was entered *sua sponte* by the district court. In *Molski*, however, we dismissed appellees on their own motion, because those particular appellees had no interest in litigating the vexatious litigant order, as

evidenced by their motion seeking to be dismissed from the appeal. Id. Here, although it was the district court that initiated the vexatious litigant order at issue, there is a substantial likelihood that the Ringgolds will name these appellees in future lawsuits. Appellees, therefore, have "a cognizable interest in the outcome of" this appeal; there is no cause to dismiss them from this appeal, and we may consider their arguments. Id. (quoting *H.C. v. Koppel*, 203 F.3d 610, 612 (9th Cir. 2000)). *Molski*, 500 F.3d at 1056.

A. Notice and Opportunity to be Heard

The district court entered a tentative ruling declaring the Ringgolds vexatious litigants on November 7, 2011. At that time, the district court notified the Ringgolds that it was considering "all of the complaints and motions filed in this court, as well as the various appeals and writs of certiorari," and "a number of state court decisions that ultimately led to Plaintiff Ringgold being declared a vexatious litigant." Its tentative order gave the Ringgolds two weeks to argue against a final order and set the matter for a hearing. The Ringgolds filed a brief opposing the vexatious litigant designation and attached declarations from both Ringgold and Ringgold-Lockhart. The court heard oral argument from the Ringgolds before it entered the vexatious litigant order. In sum, the district court provided proper notice and an opportunity to be heard, in accordance with our case law's first procedural requirement and due process. See *Molski*, 500 F.3d at 1058.

B. Adequate Record for Review

"An adequate record for review should include a listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed." *De Long*, 912 F.2d at 1147. In

Molski, we held that a district court compiled a proper record for review where "[t]he record before the district court contained a complete list of the cases filed by *Molski* in the Central District of California, along with the complaints from many of those cases," and where "[a]lthough the district court's decision entering the pre-filing order did not list every case filed by *Molski*, it did outline and discuss many of them." 500 F.3d at 1059. We conclude that the district court compiled an adequate record to permit us to review the basis of its order. The district court discussed and explained the litigation history leading to its order, and appended a list of twenty-one district court filings, including motions that it viewed as supporting its order. In the body of the order, the court cited the Ringgolds' prior federal suit, which "featured a 110-page first amend[ed] complaint with sixteen causes of action and named at least twelve defendants, including a number of officials with the County of Los Angeles, the Superior Court of Los Angeles County and various judges." The court also cited the present case, which "featured a 31-page complaint with eleven causes of action and . . . named the County of Los Angeles, as well as other county and state officials, including Governor Jerry Brown and Secretary of State Kamala Harris." In addition, the district court (1) noted the Ringgolds' state court litigation, which it described as "even more extensive—and frivolous;" and (2) cited to the California Court of Appeal's decision in *Sankary*, 2009 WL 386969, which held Ringgold was a vexatious litigant pursuant to California Code of Civil Procedure section 391(b)(3) and imposed a pre-filing restriction against her. *Sankary* outlined Ringgold's history of fighting her

removal as trustee through state court litigation.3 2009 WL 386969 at *3. The California Court of Appeal explained that it held Ringgold vexatious because she "repeatedly filed meritless papers [in that court] and in the probate court which frivolously assert she need not obey an order [to turn over documents belonging to the Trust] which has caused unnecessary delay and expense." Id. at *2. Together, the list of federal cases, allegedly baseless motions, and the district court's reference to the California Court of Appeal's reasoned decision in the *Sankary* case, provide an adequate record for this Court to review the merits of the district court's order. We, therefore, conclude that the order comports with the procedural requirements outlined in *De Long*. As will be explained, it is the substance of the court's injunction and its breadth that concern us.

C. Substantive Findings of Frivolousness or Harassment

"[B]efore a district court issues a pre-filing injunction... .it is incumbent on the court to make 'substantive findings as to the frivolous or harassing nature of the litigant's actions.'" *De Long*, 912 F.2d at 1148 (quoting *In re Powell*, 851 F.2d 427, 431 (D.C. Cir. 1988) (per curiam)). To determine whether the litigation is frivolous, district courts must "look at 'both the number and content of the filings as indicia' of the frivolousness of the litigant's claims." *Id.* (quoting same). While we have not established a numerical definition for frivolousness, we have said that "even if [a litigant's] petition is frivolous, the court [must] make a finding that the number of complaints was inordinate." *Id.* Litigiousness alone is not enough, either: "'The plaintiff's claims

must not only be numerous, but also be patently without merit.'" *Molski*, 500 F.3d at 1059 (quoting *Moy*, 906 F.2d at 470). As an alternative to frivolousness, the district court may make an alternative finding that the litigant's filings "show a pattern of harassment" *De Long*, 912 F.3d at 1148. However, courts must "be careful not to conclude that particular types of actions filed repetitiously are harassing," and must "[i]nstead . . . 'discern whether the filing of several similar types of actions constitutes an intent to harass the defendant or the court.'" Id. at 1148 n.3 (quoting *Powell*,851 F.2d at 431). Finally, courts should consider whether other, less restrictive options, are adequate to protect the court and parties. See *Molski*, 500 F.3d at 1058; Cromer, 390 F.3d at 818; *Safir*, 792 F.2d at 24. Here, the district court found the Ringgolds vexatious primarily on the basis of the current case and an earlier federal case. As an initial matter, two cases is far fewer than what other courts have found "inordinate." See, e.g., *Molski*, 500 F.3d at 1060 (roughly 400 similar cases); *Wood v. Santa Barbara Chamber of Commerce, Inc.*, 705 F.2d 1515, 1523,1526 (9th Cir. 1983) (thirty-five actions filed in 30 jurisdictions); In *re Oliver*, 682 F.2d 443, 444 (3d Cir. 1982) (more than fifty frivolous cases); In *re Green*, 669 F.2d 779,781 (D.C. Cir. 1981) (per curiam) (between 600 and 700 complaints). The district court also cites the Ringgolds' motions practice, taking issue with their "numerous motions to vacate prior decisions or relief from judgment." But examination of the court's list of "baseless motions" reveals that this description is not entirely accurate. For example, the district court granted one of the motions. A successful motion is neither "baseless" nor "frivolous." The

list also includes motions, accompanied by medical records, that Ringgold filed requesting a medical accommodation in the briefing schedule — also not frivolous. And the list includes a joint motion to stipulate to a change in the briefing schedule. Again, not frivolous. Most troubling, the district court's list includes the Ringgolds' response to its tentative order finding them vexatious. As explained, the Ringgolds had a due process right to be heard on this matter. The district court faults the Ringgolds for "reiterating old facts and arguments" in their response to the court order. As the Ringgolds had to argue that their filings were not frivolous, such repetition was inevitable. What's more, the district court invited their response, so it is particularly inappropriate to hold it against them. Whether a litigant's motions practice in two cases could ever be so vexatious as to justify imposing a pre-filing order against a person, we do not now decide. Such a situation would at least be extremely unusual, in light of the alternative remedies available to district judges to control a litigant's behavior in individual cases".

In the instant case, there was no hearing held, there is no adequate record for the review other than the Executive Committee's statement in the order that the Petitioner filed 14 cases in this court, the committee did not ask the Petitioner to file a response to the School District Defendants' Vexatious Litigant Motion, Executive Committee did not consider Petitioner's Responses, there was no substantive finding of frivolousness or harassment and the Executive Committee's Order is not narrowly tailored, which are requirements for a pre-filing restriction order pursuant to *Ringgold-Lockhart.*

In face of Executive Committee's actions as described above, it is clear that the Executive Committee entered the Executive Committee order based on some extra-judicial source and that extra-judicial source is the Plaintiff's criticism of white judges and white attorneys as described in App-16-27 and App-28-30 and Judge Feinerman's, Judge Alonso's, Judge Gettleman's, Judge Guzman's, Chief Judge Pallmeyer's and Members of Executive Committee's prejudice against the Petitioner based on his race, color, religion, disabilities, national origin, citizenship, gender, etc. and bias in favor of white Defendants and white attorneys in cases involving the Petitioner. "Findings by a trial judge unsupported by the record are evidence that the judge has relied on extrajudicial sources in making such determinations indicating personal bias and prejudice". *Peacock Records, Inc. v. Checker Records, Inc.*, 430 F.2d 85, 89 (7th Cir. 1970). The Executive Committee's order is not only void *ab initio* for reasons as described above, pursuant to *Ringgold-Lockhart* and pursuant to *Goolsby v Gonsalves* but it is derived from extra-judicial sources. Further, the Executive Committee punished the Petitioner by entering the Executive Committee order just because the Petitioner was party to Case # 18-cv-8393 and Case # 19-cv-6525 which the Petitioner did not even file in the district court. Further, the Executive Committee punished the Petitioner by entering the Executive Committee order just because the Case # 16-cv-2537 has been stayed due to arbitration. Further, the Executive Committee punished the Petitioner by entering the Executive Committee order just because the Case # 17-cv-9371 was transferred to California as part of a Multi-Party Litigation.

Further, the Executive Committee punished the Petitioner by entering the Executive Committee order based on the pending cases. Due to the prejudice against the Petitioner based on his race, color, religion, disabilities, national origin, citizenship, gender, etc. and bias in favor of white Defendants and white attorneys in cases involving the Petitioner, Judge Feinerman, Judge Alonso, Judge Gettleman, Judge Guzman, Chief Judge Pallmeyer and Members of Executive Committee were disqualified from the ruling on the matter of the Executive Committee's Order. Even though the Executive Committee's order states that the judges who are presiding active cases involving the Petitioner have recused themselves from the matter of the Executive Committee's order, the Petitioner believes it is a big lie. The Executive Committee's order was entered in retaliation against the Petitioner for suing white people and for criticizing white judges and attorneys. If the Petitioner is criticizing certain white people that does not mean the Petitioner has a prejudice against every white person on this earth. There are thousands of white people on the streets of the United States protesting against white police officers in response to George Floyd's murder. Further, the Petitioner has filed thousands of pages of pleadings against the people of his own race, color, religion, national origin, citizenship, gender, etc. Plaintiff has filed actions and criticized people who have wronged him regardless of their race, color, religion, national origin, citizenship, gender, etc.

Further Judge Feinerman, Judge Alonso, Judge Gettleman, Judge Guzman, Chief Judge Pallmeyer and Members of Executive Committee

has used the Petitioner as their slave and as their property and has inflicted physical and mental injuries upon their slave (the Petitioner) whenever they felt like to inflict physical and mental injuries upon their slave (the Petitioner) due to their prejudice against the Petitioner based on his race, color, religion, disabilities, national origin, citizenship, gender, etc. and their bias in favor of white Defendants and white attorneys in cases involving the Petitioner.

Further *Ringgold-Lockhart* the 9th Circuit ruled as follows:

"There is, however, no indication that Ringgold-Lockhart was a party to the state court litigation, so the state court litigation does not support finding him vexatious and imposing a pre-filing restriction against him. Aside from the district court's failure to consider alternative sanctions before issuing this injunction, it was also error to issue an order against Ringgold-Lockhart on the basis of state litigation in which he played no part".

Further *Ringgold-Lockhart* the 9th Circuit ruled as follows:

"The district court also erred by holding Ringgold's state litigation against Ringgold-Lockhart, without a record indicating that he participated in that litigation".

Just like the 9th Circuit's holding in *Ringgold-Lockhart* as described above, Executive Committee's order based on Case # 18-cv-8393 and Case # 19-cv-6525 was an error because the Petitioner played no part in the filing of the Case # 18-cv-8393 and Case # 19-cv-6525 in the district court and fact it is the Defendants who filed Case # 18-cv-8393 and Case # 19-cv-6525 in the district

court after removing those cases from the state courts and the Executive Order also does not indicate that Petitioner played any part in the filing of the Case # 18-cv-8393 and Case # 19-cv-6525 in the district court. Further, the Executive Committee's order based on Case # 16-cv-2537 which has been stayed due to arbitration and the Case # 17-cv-9371 which was transferred to California as a Multi-Party Litigation, was an error and the Executive Committee order does not even indicate what wrong the Petitioner has done in relation to Case # 16-cv-2537 and Case # 17-cv-9371.

Further *Ringgold-Lockhart* the 9th Circuit ruled as follows:

Finally, pre-filing orders "must be narrowly tailored to the vexatious litigant's wrongful behavior." *Molski*, 500 F.3d at 1061. In *Molski*, we approved the scope of an order because it prevented the plaintiff from filing "only the type of claims *Molski* had been filing vexatiously," and "because it will not deny *Molski* access to courts on any . . . claim that is not frivolous." *Id.* Here, the scope of the order is too broad in several respects. First, it provides that the court "will approve all filings that it deems to be meritorious, not duplicative, and not frivolous." The screening order should have stopped at "not duplicative, and not frivolous." By providing that the court will not allow a new action to be initiated unless the court deems the action "meritorious," the district court added a screening criteria that is not narrowly tailored to the problem before it, and is unworkable. It is one thing for courts at an early stage of litigation to filter out frivolous suits. Courts routinely perform this task, as the Rules of Civil Procedure prohibit frivolous filings. See Fed.

R. Civ. P. 11(b). But courts cannot properly say whether a suit is "meritorious" from pleadings alone. A lawsuit need not be meritorious to proceed past the motion-to-dismiss stage; to the contrary, "a well-pleaded complaint may proceed even if it strikes a savvy judge that actual proof of those facts is improbable, and that recovery is very remote and unlikely." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007) (internal quotation marks omitted). And even as to the propriety of a Rule 12(b)(6) dismissal, whether a case merits dismissal for failure to state a claim is often determinable only after briefing and argument; it is often not a decision accurately to be made at a pre-filing stage. Because this pre-filing order requires that only "meritorious" cases survive the court's screening, the order is not narrowly tailored to address the concern that the Ringgolds will continue to pursue frivolous litigation. Second, the pre-filing restriction extends to "any action that relates to the Aubry Revocable Family Trust or the administration of state courts or probate courts." The part of this order that bars the Ringgolds from litigating any action "relat[ing] to . . . the administration of state courts or probate courts" is expansive. The district court has not shown that this breadth is justified. In the underlying case, the Ringgolds challenged the remuneration structure of California state courts. But the pre-filing order goes well beyond remuneration issues; it covers all administrative matters regarding all state courts. Moreover, "administration" is an indefinite term open to broad interpretation, both by the district court and, prophylactically, by the Ringgolds. This overbreadth presents "the danger" that it "will leave [litigants] uncertain as to what [they] may

or may not do without" running afoul of the court's order, *Wood*, 705 F.2d at 1525, unduly chilling their right to free access to the courts. This portion of the order could also extend to factual scenarios entirely unrelated to the dispute relating to the Trust. Yet, the district court cites the Trust dispute as the root of the problem with the Ringgolds' litigation, characterizing the litigation as "essentially no more than an attempt to challenge the determination to remove Plaintiff Ringgold as temporary trustee of the Aubry Family Trust." Sometimes a rancorous dispute leaves a person with a bitter taste that does not fade, no matter how many resources are expended and no matter how many years pass. From our review of the case law discussing vexatious litigants, it is not uncommon for district courts to enjoin litigants from relitigating a particular case, such as when a litigant refuses to accept the finality of an adverse judgment. See, e.g., *Safir*, 792 F.2d at 25; *Cook v. Peter Kiewit Sons Co.*, 775 F.2d 1030, 1033 (9th Cir. 1985); *Wood*, 705 F.2d at 1525. But in such cases, courts generally tailor the scope of a litigation restriction so as to restrain litigants from "reopen[ing] litigation based on the facts and issues decided in" previous lawsuits. *Wood*, 705 F.2d at 1526; see *Safir*, 792 F.2d at 25; *Cook*, 775 F.2d at 1033. The underlying litigation here attempts to reopen a case that has reached final judgment. "A narrowly tailored injunction . . . would address only filings in that or related actions." *Cromer*, 390 F.3d at 819. In sum, we see no reason why the district court could not have accomplished its goal of stemming the tide of the Ringgolds' litigation relating to the Aubry Family Trust without also enjoining the Ringgolds from bringing suits "relat[ing] to . . . the administration

of state courts or probate courts." We therefore conclude that the injunction is overbroad.

In the instant case, the Executive Committee's order was not narrowly tailored as required by the 9th Circuit in *Ringgold-Lockhart* which is described above because the Executive Committee's order ruled, "The Executive Committee will examine any complaints submitted by or on behalf of Mr. Mohammed to determine whether they should be filed" which means that the Executive Committee will even screen and dismiss Petitioner's complaints which do not seem to be meritorious at the initial pleading stage is contrary to the 9th Circuit's holding in *Ringgold-Lockhart* as described above in and because the Executive Committee's order ruled that it will even screen complaints filed by an attorney on behalf of the Petitioner.

Further Executive Committee's order is flawed again because it ruled, "**IT IS FURTHER ORDERED** That any new complaints filed by Mr. Mohammed and transferred to this Court from another jurisdiction shall be reviewed by the Executive Committee to determine whether they should be filed" as the district court has no jurisdiction whatsoever to screen complaints not filed in the district court but filed in other district courts and state courts.

Further, the Executive Committee's order in the pertinent part states, "It is the judgment of the Executive Committee that reasonable and necessary restraints must be imposed upon Mr. Mohammed's ability to file new civil cases in this District *pro se*. Cases in existence prior to the entry of this order are not affected by this order and shall proceed as usual".

In violation of the Executive Committee's order, the Executive Committee has disabled the Petitioner's ECF account and he is not able to file documents in his existing cases though ECF and there is no reason why Judge Feinerman, Judge Alonso, Judge Gettleman, Judge Guzman, Chief Judge Pallmeyer and Members of Executive Committee should not be held in contempt of the court. The disabling of the Petitioner's ECF account further demonstrates Judge Feinerman's, Judge Alonso's, Judge Gettleman's, Judge Guzman's, Chief Judge Pallmeyer's and Executive Committee's intent to punish the Petitioner due to their prejudice against the Petitioner based on his race, color, religion, disabilities, national origin, citizenship, gender, etc. and their bias in favor of white Defendants and white attorneys in cases involving the Petitioner. Further, the Executive Committee has not ruled on the Petitioner's Motion for Sanctions against the School District Defendants for fraud upon the court as described in App-16-27.

DISMISSAL OF CASE # 20-cv-50133

Petitioner filed Case # 20-cv-50133 on April 16, 2020, and after that, he amended the original complaint five times without leave from the court because the Petitioner thought he can amend his original complaint without leave of the court before the Defendants file their response. The petitioner filed his Fifth Amended Complaint in Case # 20-cv-50133 on May 17, 2020. On May 18, 2020, the court entered an order which states in pertinent part as follows:

Once Plaintiff's fee status is resolved, the Court will screen his complaint (the initial complaint

and most recent amended complaint) to determine whether this case may proceed. See 28 U.S.C. § 1915A. Plaintiff's first, second, third, and fourth amended complaints [6], [7], [15], [39], are stricken as they are not permitted under Rule 15 and needlessly complicate this Court's initial review of Plaintiff's allegations and potential claims. Plaintiff's motion to compel [37] also is stricken as it is premature. Finally, the Court strikes its prior order [38]; Defendants need not respond to any pending motion or complaint at this time. Mailed notice (gel,)". (App-33)

On May 18, 2020, the Petitioner paid a filing fee for the Case # 20-cv-50133 and provide the proof of payment of the filing to the court and also informed the court that he is not a prisoner and 28 U.S.C. § 1915A only applies to the Prisoner and the court has no subject matter jurisdiction to screen the Petitioner's complaint in Case # 20-cv-50133 under 28 U.S.C. § 1915A because the Petitioner is not a prisoner. Petitioner heard nothing from the court in response to his pleadings in which he stated that he is not a prisoner and 28 U.S.C. § 1915A only applies to the Prisoner and the court has no subject matter jurisdiction to screen the Petitioner's complaint in Case # 20-cv-50133 under 28 U.S.C. § 1915A until July 14, 2020. On July 14, 2020, the Petitioner came to know that his Case # 20-cv-50133 has been dismissed by the court on July 10, 2020, and the order which dismissed Case # 20-cv-50133 stated in the pertinent part as follows:
"MINUTE entry before the Honorable John Robert Blakey: Plaintiff's fifth amended complaint [40], which clocks in at 1,125 pages (with an additional 2,852 pages of exhibits),

names more than 30 defendants, and asserts more than 63 counts (some with numerous subparts and arguments), constitutes "an egregious violation of Rule 8(a)" and is, accordingly, dismissed. *Vicom, Inc. v. Harbridge Merchant Services, Inc.*, 20 F.3d 771, 775–76 (7th Cir. 1994). Additionally, in light of Plaintiff's prior filings and his willful conduct in violating court orders, the record confirms that leave to replead will not produce an improved sixth amended complaint (indeed, his most recent complaint is the longest yet, and the Court still cannot detect a viable federal claim); and thus, the most recent complaint is dismissed with prejudice, and this case is dismissed. See *Vicom*, 20 F.3d at 776 (noting that complaint should have been dismissed without leave to replead); *Davis v. Ruby Foods, Inc.*, 269 F.3d 818, 821 (7th Cir. 2001)(noting that dismissal of a 600–paragraph, 240–page complaint was appropriate under Rule 8); *Crenshaw v. Antokol,* 206 F. App'x 560, 563 (7th Cir. 2006) (the dismissal of a complaint on the ground that it is unintelligible and fails to give the defendant the notice to which it is entitled is "unexceptionable"). (App-34)

First Judge Blakey tried to dismiss the Petitioner's under 28 U.S.C. § 1915A but when the Petitioner informed him that he is not a prisoner and 28 U.S.C. § 1915A only applies to a prisoner, Judge Blakey came up with another pretext and dismissed the Petitioner's complaint under Rule 8 (a). The only vague reason Judge Blakey gave for the dismissal of Case # 20-cv-50133 is that the Petitioner's Fifth Amended Complaint is egregious violation Rule 8(a). Judge Blakey cited *Davis v. Ruby Foods, Inc.* in dismissing the

Case # 20-cv-50133 but the 7th Circuit ruled as follows in *Davis v. Ruby Foods, Inc*:

"The question we must decide, therefore — surprisingly one of first impression in this circuit — is whether a district court is authorized to dismiss a complaint merely because it contains repetitious and irrelevant matter, a disposable husk around a core of proper pleading. As our use of the word "disposable" implies, we think not, and therefore that it is an abuse of discretion (the normal standard applied to decisions relating to the management of litigation, and the one by which dismissals for violation of Rule 8 are reviewed, *Kittay v.Kornstein,* 230 F.3d 531, 541 (2d Cir. 2000); In *re Westinghouse Securities Litigation*, 90 F.3d 696, 702 (3d Cir.1996); *Kuehl v. FDIC*, 8 F.3d 905, 908 (1st Cir. 1993); *Mangan v. Weinberger*, 848 F.2d 909, 911 (8th Cir.1988)) to dismiss a complaint merely because of the presence of superfluous matter. That would cast district judges in the role of editors, screening complaints for brevity and focus; they have better things to do with their time. In our many years of judging, moreover, we cannot recall many complaints that actually met the standard of chaste, Doric simplicity implied by Rule 8, and the model complaints in the Forms Appendix. Many lawyers strongly believe that a complaint should be comprehensive rather than brief and therefore cryptic. They think the more comprehensive pleading assists the judge in understanding the case and provides a firmer basis for settlement negotiations. This judgment by the bar has been accepted to the extent that complaints signed by a lawyer are never dismissed simply because they are not short, concise, and plain"." Signed by a

lawyer . . ." But of course, Mr. Davis is not a lawyer, and so his complaint violates those commands with a baroque exuberance that sets it apart from lawyers' drafting excesses. But the complaint contains everything that Rule 8 requires it to contain, and we cannot see what harm is done anyone by the fact that it contains more. Although the defendant would have been entitled to an order striking the irrelevant material from the complaint, Fed.R.Civ.P. 12(f), we doubt that it would have sought such an order, unless for purposes of harassment, because the extraneous allegations, for example, that Davis is an FBI informant, cannot harm the defense. They are entirely ignorable. Excess burden was created in this case not by the excesses of Davis's complaint but by the action of the defendant in moving to dismiss the complaint and the action of the district court in granting that motion. The dismissal of a complaint on the ground that it is unintelligible is unexceptionable. *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). Such a complaint fails to give the defendant the notice to which he is entitled. Dismissal followed by the filing of a new complaint may actually be a better response than ordering the plaintiff to file a more definite statement of his claim, Fed.R.Civ.P. 12(e), which results in two documents, the complaint and the more definite statement, rather than one compliant document. But when the complaint *821 adequately performs the notice function prescribed for complaints by the civil rules, the presence of extraneous matter does not warrant dismissal. "Fat in a complaint can be ignored." *Bennett v. Schmidt*, 153 F.3d 516, 517 (7th Cir. 1998). "If the [trial] court understood

the allegations sufficiently to determine that they could state a claim for relief, the complaint has satisfied Rule 8." *Kittay v. Kornstein,* supra, 230 F.3d at 541. "Were plaintiffs' confessed overdrafting their only sin, we would be inclined to agree that dismissal was an overly harsh penalty." *Kuehl v. FDIC,* supra, 8 F.3d at 908. See also *Simmons v. Abruzzo,* 49 F.3d 83, 87 (2d Cir.1995). Indeed, the punishment should be fitted to the crime, here only faintly blameworthy and entirely harmless. To the principle that the mere presence of extraneous matter does not warrant dismissal of a complaint under Rule 8, as to most generalizations about the law, there are exceptions. We can hardly fault the Third Circuit for dismissing the complaint in In *re Westinghouse Securities Litigation*, supra, 90 F.3d at 703, which contained 600 paragraphs spanning 240 pages. See also *Michaelis v. Nebraska State Bar Ass'n,* 717 F.2d 437, 439 (8th Cir. 1983). Have a heart! But Davis's complaint does not fall within any exception that we can think of to the principle sketched in Bennett and here repeated and elaborated". Judge Blakey's order which states that in *Westinghouse Securities Litigation* the complaint was dismissed because it was 600 paragraphs spanning 240 pages is incorrect and misleading because the complaint in *Westinghouse Securities Litigation* was dismissed because it was unnecessarily complicated, verbose, and rambling. Further Judge Blakey's order states that the Fifth Amended Complaint is 1,125 pages long and Exhibits are 2,852 pages is incorrect and misleading. The Fifth Amended Complaint is 558 pages long and the file in which the Petitioner submitted the Fifth Amended Complaint is 1,125. Page 559 to Page 1,125 are

Exhibits. The Judge who has made the length of the complaint as an issue for dismissal of Fifth Amended Complaint under Rule (8), he himself does not know how many pages long the Fifth Amended Complaint is and how many pages of Exhibits are included with the complaint. A Judge who cannot even differentiate the complaint and the Exhibits have never been heard off before. That means Judge Blakey has not even read the Fifth Amendment Complaint. He just looked at the filing stamp on top of the Fifth Amended Complaint which shows the file consists of 1,125 pages which includes 558 pages of the Fifth Amended Complaint and 567 pages of Exhibits. Further in *Vibe Micro, Inc. v. Shabanets*, the 11th Circuit ruled, "In the repleading order, the district court should explain how the offending pleading violates the shotgun pleading rule so that the party may properly avoid future shotgun pleadings. In the instant case, Judge Blakey did not explain how the offending pleading violates the shotgun pleading rule so that the party may properly avoid future shotgun pleadings and none of the complaints were filed after the court ruled that the complaint violates Rule 8(a). All the complaints in Case # 20-cv-50133 were filed before the court ruled that the complaint violated 8 (a).

REASONS FOR GRANTING THE PETITION

In face of the arguments made above Executive Committee's Order offends *Ringgold-Lockhart* and *Goolsby* and in addition, the Executive Committee's Order was entered in violation of the Petitioner's 1st Amendment Right to Petition the government, 5th and 14th Amendment Rights to Due Process and Equal Protection because there

was no **Notice and Opportunity to be Heard** and no hearing was held, because there is no **Adequate Record for Review,** because there is no **Substantive Findings of Frivolousness or Harassment,** because the Executive Committee's Order was not **Narrowly Tailored**, because the Executive Committee's Order usurped matters upon which it has no jurisdiction whatsoever (Plaintiff's complaints filed in State Court and other District Courts), because the Executive Committee itself is violating the Executive Committee's Order and because the Executive Committee's Order was entered in response to Case # 18-cv-8393 and 19-cv-6525 which the Petitioner did not even filed in the district court as described above. The Executive Committee erred in entering the Executive Committee's Order in violation of the Petitioner's 1st Amendment Right to Petition the government and also by not affording Plaintiff the Due Process and Equal Protection rights' requirements of the 5th and 14th Amendment as mentioned in *Ringgold-Lockhart* and further, the Petitioner has done nothing wrong pursuant to *Goolsby* and the Executive Committee's Order also does not state what wrong the Petitioner did. The Petitioner has no other avenue of seeking relief because Petitioner's Application to proceed on his appeal as In Forma Pauperis against the Executive Committee's Order remains pending in the Executive Committee since June 26, 2020, and the Executive Committee is not deciding on the Petitioner's Application to proceed on his appeal as In Forma Pauperis and there is no adequate record for review which is one of the requirements for the entry of a pre-filing order pursuant to *Ringgold-Lockhart*. Hence the Executive

Committee's Order is void *ab intio*.

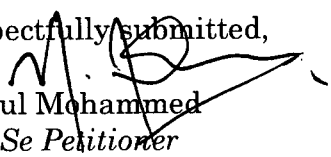
Regarding the dismissal of Case # 20-cv-50133, the Petitioner has not violated any part of Rule 8 (a) and Judge Blakey did not even read the complaint which is clearly evident with his order which states that the complaint is 1,125 pages. Further, the dismissal of Case # 20-cv-50133 offends the following case laws and authorities.
1) *Davis v. Ruby Foods, Inc.,*
2) *Vibe Micro, Inc. v. Shabanets,*
3) *Bennett v. Schmidt*
4) *Kittay v. Kornstein,*
5) *Kuehl v. FDIC,* and
6) *Simmons v. Abruzzo*

Hence the order which dismissed the Case # 20-cv-50133 is void *ab intio* because it offends above-mentioned authorities, because Judge Blakey did not read the Fifth Amended Complaint as he does not even know how many pages long is the Fifth Amended Complaint in Case # 20-cv-50133, because Judge Blakey does not have subject matter jurisdiction to dismiss Fifth Amended Complaint in Case # 20-cv-50133 under Rule 8 (a) because he has not even read the Fifth Amended Complaint, and because the Fifth Amended Complaint does not violate any part of the Rule 8 (a). Further, it is fair to say that all the individual respondents conspired together and worked in concert to have the Case # 20-cv-50133 dismissed in an unlawful manner. Further, the Petitioner has not violated any court order and he does not know which order Judge Blakey is referring to in (App-34). Further, the Petitioner requests this court to take judicial notice of *Mohammed v the State of Illinois*, Case.No.20-cv-50133, ND.Il.

CONCLUSION

For the reasons set forth above, this court should grant the petition for mandamus, vacate the Executive Committee's Order and also vacate the order dismissing the Case # 20-cv-50133. The level of dishonesty of the individual Respondents is unprecedented and these individual Respondents have sullied the very sanctity and integrity of the court itself. If this court does not intervene and grant the mandamus and take appropriate action against these individual Respondents, the cause of justice will die a very painful death.

Respectfully submitted,



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