
In the
Supreme Court of the United States

ABDUL MOHAMMED,
PETITIONER,

v

JUDGE JORGE ALONSO ET.AL,
RESPONDENTS

**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**

**APPENDIX TO PETITION FOR WRIT OF
MANDAMUS**

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August 5, 2020

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ABDUL MOHAMMED,

Plaintiff,

No. 20 CV 3481

v

Judge Manish S. Shah

JUDGE JORGE ALONSO, et al.,

Defendants.

ORDER

Plaintiff's application to proceed in forma pauperis [6] is denied. The complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). Enter judgment and terminate civil case.

STATEMENT

Plaintiff submitted a complaint naming judges of the United States District Court for the Northern District of Illinois and the United States Court of Appeals for the Seventh Circuit as defendants. Because plaintiff has applied to proceed in forma pauperis, the court is required to review the complaint and dismiss it if the action is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

The complaint accuses the district judges of improper rulings and bias in *Mohammed v. DuPage Legal Assistance Foundation, et al.*, No. 18 CV 2303 (N.D. Ill.); *Mohammed v. Anderson, et al.*, No. 18 CV 8393 (N.D. Ill.); and *Mohammed v. State of Illinois*, No. 20 CV 50133 (N.D. Ill.). The complaint next alleges that the judges on the court of appeals rubber-stamped a recommendation from staff attorneys when issuing the decision in plaintiff's appeal in *Mohammed v. DuPage Legal Assistance Foundation, et al.*, No. 19-1207 (7th Cir Oct. 22, 2019). Plaintiff seeks damages along with injunctive relief in the form of judicial disqualification and vacatur of the judgments in his dismissed lawsuits.

There are a number of problems with plaintiff's complaint, but at the end of the day, it attempts to obtain money from judges for the way they handled cases. They are immune from such suits. See *Mireles v. Waco*, 502 U.S. 9 (1991). The complaint alleges that the judges acted without jurisdiction, and therefore without judicial immunity, but this is incorrect. Even if the judges lacked subject-matter jurisdiction, they were issuing rulings in pending cases in their capacity as judges.

They are immune from lawsuits challenging their rulings. The requested injunctive relief—disqualification of the judges and reversal of their rulings—does not save the complaint from dismissal because that effectively seeks to vacate final judgments and pursue arguments that plaintiff could have pursued on direct appeal or through Federal Rule of Civil Procedure 60(b). A collateral attack of this kind on civil judgments is not permitted. See *Johnson v. UMG Recordings, Inc.*, 663 Fed. App'x 478, 479 (7th Cir. 2016). And plaintiff can still pursue arguments within his pending case, No. 20 CV 50133 (N.D. Ill.), and if necessary, in any appeal from that case. A separate suit asking one district court judge to intervene in a case pending before another district court judge is not appropriate.

Plaintiff's complaint is dismissed with prejudice because amendment would be futile—the judges are immune from these types of claims and plaintiff cannot pursue the injunctive relief he seeks in a separate suit. Plaintiff's application to proceed in forma pauperis is denied. Enter judgment and terminate civil case.

ENTER:

Date: June 29, 2020

Manish S. Shah
Manish S. Shah
U.S. District Judge

UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division

Abdul Mohammed

Plaintiff,

v.

Case No.: 1:20-cv-03481

Honorable Manish S. Shah

Jorge Alonso, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, August 4, 2020:

MINUTE entry before the Honorable Manish S. Shah: Plaintiff's application to proceed in forma pauperis on appeal [19] is denied. The dismissal of plaintiff's complaint was based on judicial immunity and the complaint's improper attempt to collaterally attack earlier civil judgments and interfere with a still-pending case. This court concludes that the appeal is not taken in good faith because the appeal is frivolous. See *Lee v. Clinton*, 209 F.3d 1025, 1027 (7th Cir. 2000). In forma pauperis status is not granted for appeals not taken in good faith. Although this court denies the application, plaintiff may ask the court of appeals to grant him in forma pauperis status. The clerk shall send a copy of this order to the court of appeals, in re Case Nos. 20-2310 and 20-2390. Notices mailed. (psm,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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