

No. _____

In the
Supreme Court of the United States

Abdul Mohammed,

Petitioner,

v.

Judge Jorge Alonso et.al,

Respondents.

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Seventh Circuit**

**APPENDIX TO PETITION FOR WRIT OF
CERTIORARI**

Abdul Mohammed
Pro Se Petitioner
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November 5, 2020

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
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ORDER

October 2, 2020

By the Court:

No. 20-2310	ABDUL AZEEM MOHAMMED, Plaintiff - Appellant v. JORGE L. ALONSO, District Judge, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:20-cv-03481 Northern District of Illinois, Eastern Division District Judge Manish S. Shah	

The following is before the Court: **MOTION TO PROCEED ON THE INSTANT APPEAL IN FORMA PAUPERIS**, filed on September 4, 2020, by the pro se appellant.

This court has carefully reviewed the final order of the district court, the record on appeal, and appellant's motion to proceed in forma pauperis. Based on this review, the court has determined that any issues which could be raised are insubstantial and that further briefing would not be helpful to the court's consideration of the issues. *See Taylor v. City of New Albany*, 979 F.2d 87 (7th Cir. 1992); *Mather v. Village of Mundelein*, 869 F.2d 356, 357 (7th Cir. 1989) (per curiam) (court can decide case on motions papers and record where briefing would be not assist the court and no member of the panel desires briefing or argument). The district court correctly dismissed Mohammed's complaint because each of the defendants was protected by judicial immunity.

Accordingly, **IT IS ORDERED** that the motion to proceed in forma pauperis is **DENIED**, and the final order of the district court is summarily **AFFIRMED**.

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Appellant is warned that future frivolous appeals may lead to sanctions, including an order withdrawing his privilege of litigating any case in forma pauperis, in the district court or the court of appeals, until he had paid, in full, all outstanding fees and costs for all of his lawsuits. *See In re City of Chicago*, 500 F.3d 582, 583 (7th Cir. 2007); *Campbell v. Clarke*, 481 F.3d 967 (7th Cir. 2007).

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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. 18 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 2503 (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 *Mirales 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
U.S. District Judge